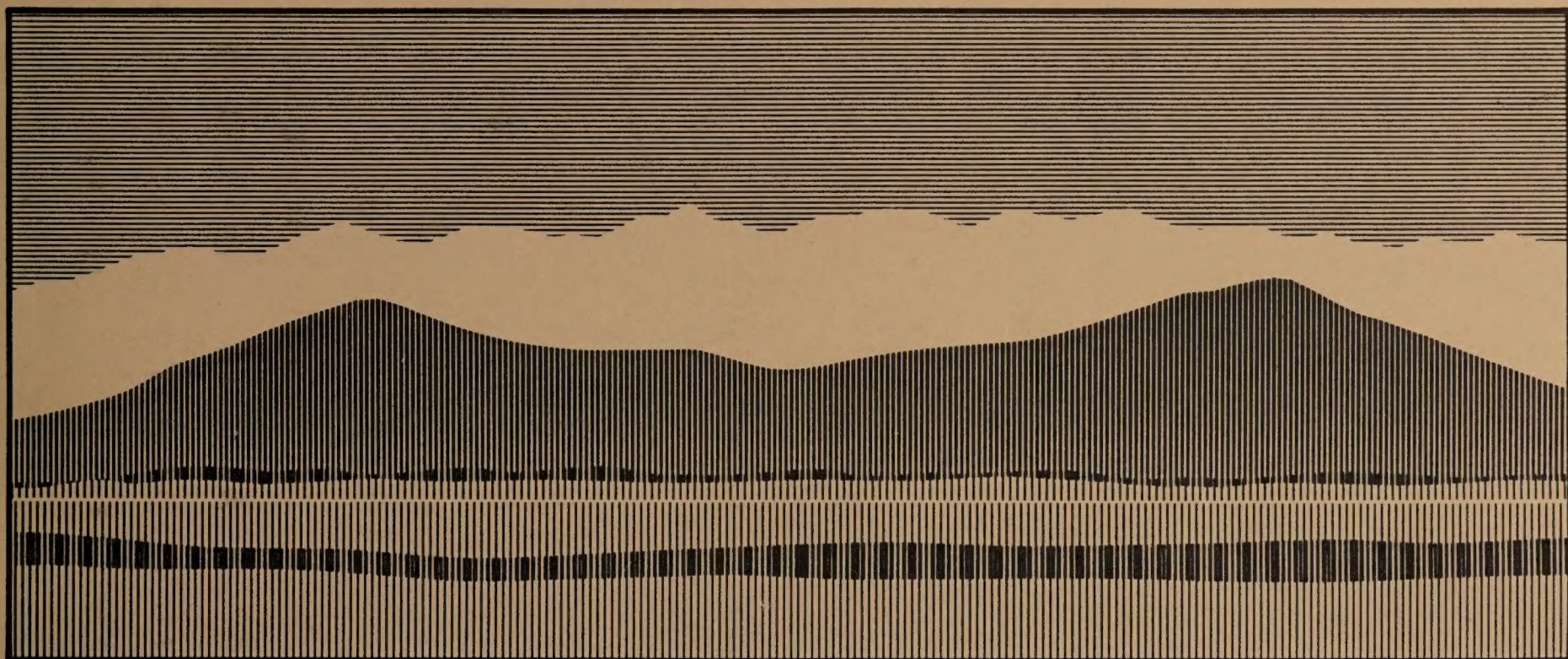


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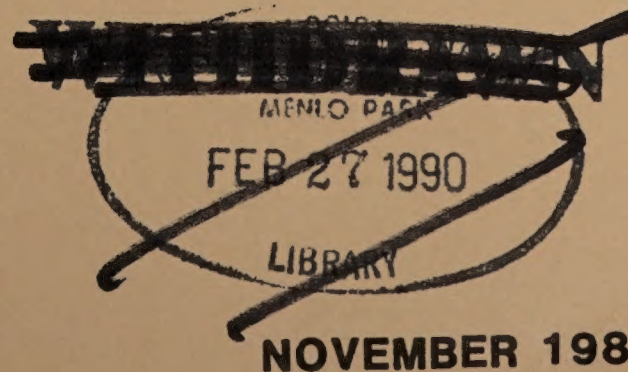
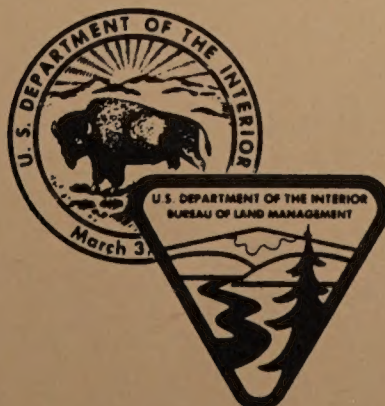
FINAL

ENVIRONMENTAL IMPACT STATEMENT



**MOLYCORP
GUADALUPE MOUNTAIN
TAILINGS DISPOSAL FACILITY**

Prepared for:

BUREAU OF LAND MANAGEMENT**ALBUQUERQUE, NEW MEXICO**

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FINAL ENVIRONMENTAL IMPACT STATEMENT

MOLYCOP GUADALUPE MOUNTAIN TAILINGS

DISPOSAL FACILITY

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Lead Agency:

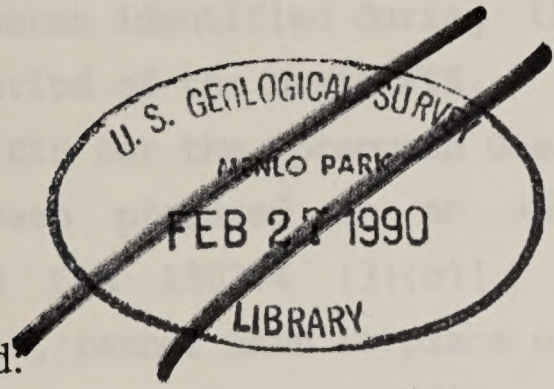
U.S. Department of the Interior
Bureau of Land Management

Counties Directly Affected:

Taos County, New Mexico

Comments on this EIS should be directed to:

Robert T. Dale
Bureau of Land Management
Albuquerque District Office
435 Montana N.E.
Albuquerque, NM 87107
Telephone: (505) 761-4546
(FTS 474-4546)



Date Draft EIS made available to the Environmental Protection Agency (EPA) and the public:

December 2, 1988

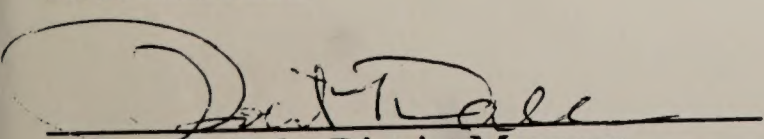
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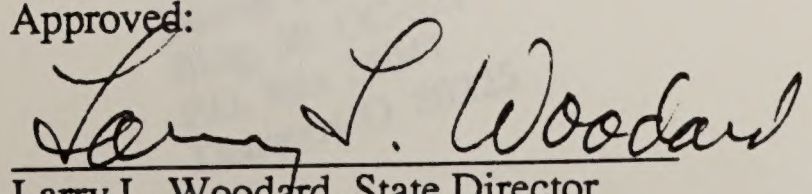
November 9, 1989

Abstract: MolyCorp proposes to construct and operate a molybdenum tailings disposal facility on 1,230 acres of public land near Questa, New Mexico and has located mill site claims for this purpose in accordance with 30 U.S.C. Section 42. The project would consist of a 568-acre tailings pond in the saddle of Guadalupe Mountain. The pond would be formed by the construction of two rock-filled dams at either end of the saddle. Other facilities would include a tailings pump station, an extension of the tailings pipeline, tailings distribution lines, access roads and a patrol road, a powerline, a seepage collection pond, surface water diversion channels, and a decant water channel. The project would provide additional storage for approximately 200 million tons of tailings from MolyCorp's molybdenum mine located approximately 12 miles east of Guadalupe Mountain. The Bureau of Land Management (BLM) completed an Environmental Assessment (EA) for this project in February 1985. As a result of that EA, the BLM determined that an Environmental Impact Statement (EIS) would be required. This EIS analyzes and documents the environmental impacts of the proposed project through construction, operation, and closure.

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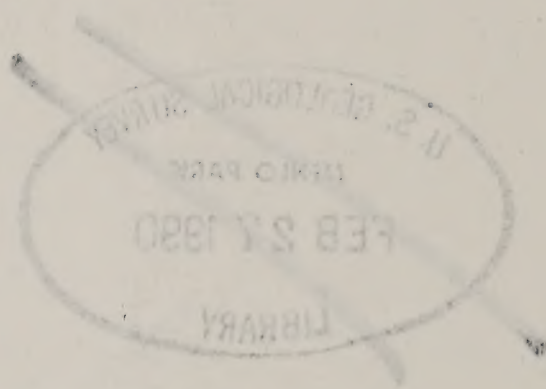
Approved:


Robert T. Dale, District Manager
Albuquerque District Office


Larry L. Woodard, State Director
New Mexico State Office

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FEDERAL ENVIRONMENTAL IMPACT STATEMENT
MILYCOOP OF ADAL, EMONGTAY TAILING
DIPLOMA FACILITY



1. The purpose of this study is to determine the environmental impacts of the proposed project. The study will be conducted in accordance with the requirements of the National Environmental Policy Act (NEPA) and the Federal Land Management Policy Act (FLMPA). The study will be conducted in accordance with the requirements of the National Environmental Policy Act (NEPA) and the Federal Land Management Policy Act (FLMPA).

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Approved: _____
Special Agent in Charge

Approved: _____
Special Agent in Charge

PREFACE

The EIS has been prepared according to the requirements of the 1872 Mining Law and 3809 mining regulations, Federal Land Policy and Management Act of 1976 (FLPMA), the National Environmental Policy Act of 1969 (NEPA), as amended, and the Council on Environmental Quality's (CEQ) regulations for implementing NEPA, effective July 30, 1979. The EIS focuses on the issues and concerns identified during the public scoping process and the public review period of the Draft EIS.

The Final EIS for the proposed Guadalupe Mountain Tailings Disposal Facility has been prepared in an abbreviated format under the CEQ regulations [40 CFR 1503.4 (3)(c)]. This document must be used in conjunction with, rather than in place of, the Draft EIS that was released for public review on December 2, 1988. A limited number of copies of the Draft EIS are still available and can be obtained by contacting Mr. Robert T. Dale of the Albuquerque District of the BLM.

The Final EIS contains three chapters. The first chapter is a summary of the proposed project, areas of concern, and major impact conclusions. The second chapter (Consultation and Coordination) presents the results of the agency and public reviews of the Draft EIS. Comments received by letter and at the public hearings are listed, in addition to the responses to those comments. The third chapter (Modifications and Corrections) includes text revisions to the Draft EIS and revised tables to expand or clarify material presented in the Draft EIS. These have been made in response to agency and public comments and are referenced to the appropriate page number in the Draft EIS.

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1.0 SUMMARY

1.1 Purpose and Need

Molycorp, Inc., a wholly owned subsidiary of Unocal Corporation, is proposing to construct and operate a molybdenum tailings disposal facility near Questa, New Mexico. Molycorp has filed millsite locations on public lands in the Guadalupe Mountain area just west of Questa, and the Bureau of Land Management (BLM) has determined that the proposed tailings disposal facility would constitute a valid use of the millsite claims as provided under the General Mining Laws. The BLM evaluated the impacts of construction and operation of the tailings facility in an Environmental Assessment (EA) dated February 1985. Because of continuing questions and concerns from the public and other reviewing agencies, the BLM concluded in their Record of Decision that an Environmental Impact Statement (EIS) would be required to complete the environmental analysis and documentation process for the project.

Molycorp has operated a molybdenum mining and milling operation near Questa, New Mexico since the 1920s. Mining operations expanded to open pit operations in 1964. Construction of a larger mill created a need for a sizable tailings disposal site for the operation. Initial construction for the existing tailings disposal site located west of Questa and 1.5 miles east of Guadalupe Mountain began in 1964. Currently, two impoundments (referred to as Sections 35 and 36) provide tailings storage capabilities. Molycorp's mining and milling operation were temporarily stopped due to the depressed price of molybdenum. Mining operations have resumed since the issuance of the Draft EIS.

The conversion of Molycorp's open pit mine to an underground mining operation and modernization of the mill has extended the potential life of the mine and will ultimately result in a greater amount of tailings than the existing facility can accommodate. At maximum designed production capacity of the Molycorp mine and mill, approximately 18,000 tons per day (tpd), or 6.5 million tons annually, would be milled and disposed of at the tailings disposal sites. A total of 250 million tons of storage is required to ensure continuous production from the Questa mining operation.

The remaining storage in Sections 35 and 36 would provide for less than one-half of the needed long-term tailings storage; however, continued operation of Section 35 and the proposed Guadalupe tailings facility would provide design capacity for approximately 40 years of operation.

Molycorp expects to continue, and expand, their current operations and move to full production assuming the molybdenum market allows for production at profitable levels. Given the length of time involved in securing the new site, in addition to initial construction requirements, the company is prudently planning for the future by proceeding with the permitting process to obtain the necessary approvals for use of the site.

1.2 Project Description

The proposed Molycorp Tailings Disposal Facility Project would involve construction, operation, and eventual closure and reclamation of a tailings pond in the saddle on Guadalupe Mountain. The proposed project site is located approximately 3 miles northwest of the Village of Questa in Taos County, New Mexico, and borders the northwest side of Molycorp's existing tailings disposal area (Figure 1-1). The project area encompasses a total of 1,230 acres. The project would provide additional storage for approximately 200 million tons of tailings from the company's molybdenum mine about 12 miles east of Guadalupe Mountain.

Development of the Guadalupe site would entail clearing, grading, and excavation of fill material for construction of two dams. Other ancillary facilities would include:

- a pumping (tails booster) station,
- an extension of the tailings pipeline,
- tailings distribution lines,
- an access road and a patrol road around the perimeter of the pond and dams,
- a powerline,
- a collection pond and dam (for dam seepage),
- surface water diversion channels, and
- a decant water channel or pipeline.

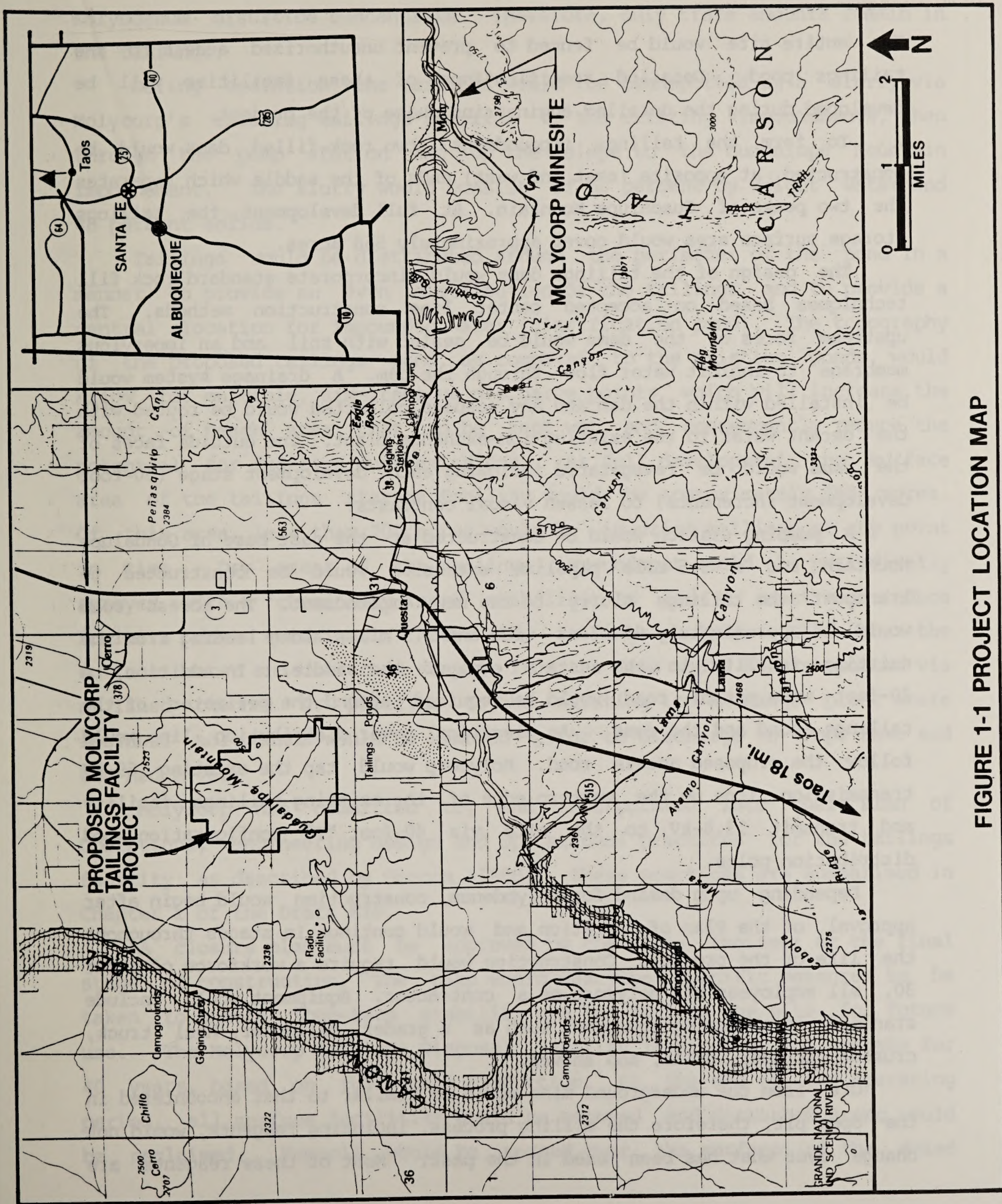


FIGURE 1-1 PROJECT LOCATION MAP

The entire site would be fenced to prevent unauthorized access to the tailings pond. Detailed specifications of these facilities will be developed during the detailed engineering phase of the project.

To form the tailings impoundment, two rock-filled dams would be constructed at opposite (east and west) ends of the saddle which separates the two peaks of Guadalupe Mountain. At full development, the tailings storage surface area would cover approximately 568 acres.

The design of the tailings dams would incorporate standard rock fill techniques based on accepted center line construction methods. The upstream faces of the dams would be sealed with soil and an impervious membrane to inhibit water flow through the dam. A drainage system would be installed within the dam and any seepage collected would be routed with the decant water to the existing ion-exchange plant. The outside faces of the dams would be revegetated following each development stage (50-foot development increments) to lessen visual contrasts.

A pumping station would be constructed at the east base of Guadalupe Mountain and a 3.5-mile pipeline extension would be constructed to transport the tailings slurry to the new impoundment. The access road would be approximately 60 feet wide and 1.5 miles long leading from the existing facility to the eastern edge of the saddle. In addition, a 20-foot wide patrol road would be required around the perimeter of the tailings pond and the dams. An electrical power distribution line would follow the proposed access road. Molycorp would tap the existing 69-kV transmission line on the western edge of the existing tailings facility and transmit 13.8-kV to the site via 40-foot "T" configuration wood distribution poles.

Depending upon demand for molybdenum, construction would begin after approval of the Plan of Operation and would continue in stages throughout the life of the project. Construction would require a workforce of about 30, all employees of Molycorp or a contractor. Equipment would include standard earth-moving equipment such as a grader, bulldozer, haul truck, crusher, scraper, drill, and shovel.

Ore from the underground mine would be similar to that encountered in the open pit, therefore the milling process, including reagents, would not change over what has been used in the past: Most of these reagents are

molybdenum collectors, and the bulk of the reagents adhere to the molybdenum disulfide concentrate. Therefore, only trace amounts remain in the tailings.

During operation, the tailings would be transported as a slurry via Molycorp's existing tailings pipeline to the existing impoundments, then through the pump station and up the slope to the Guadalupe Mountain impoundment. The slurry would consist of 60 percent by weight water and 40 percent solids.

Tailings would be distributed around the perimeter of the pond in a manner to provide an even distribution of the tailings and to provide a central location for impounded water (clarification pond). The topography of the proposed tailings pond, as compared to the existing ponds, would allow for multiple, simultaneous discharge points which will increase the amount of beach area that can be kept wet, and consequently reduce the potential for fugitive dust emissions. At full development, the surface area of the tailings storage facility would be approximately 568 acres. Of this area, less than 200 acres would be in dried tailings at any point in time. Dry areas of the tailings impoundment would be periodically sprayed with a chemically inert stabilizer to form a crust and reduce fugitive dust emissions. After the tailings solids settle out, the surface water and collected seepage from the dams would be transported via a lined channel or pipeline to the existing ion-exchange plant where residual molybdenum would be removed prior to discharge to Pope Lake and the Red River.

Molycorp has committed to, and incorporated into their Plan of Operations, engineering design and operational practices for the tailings facility as described by Geocon (1988). These practices are summarized in Chapter 1 of the Draft EIS.

A closure plan must be approved by the State Engineer at the final stage of construction. The plan would describe specific measures to be taken to ensure long-term stability and to reclaim the site for future use. The Molycorp Tailings Disposal Facility is expected to operate for 40 years, based on full-scale production. At the end of the operating period, all surface facilities would be removed and disturbed areas would be reclaimed. Topsoil would be spread over the surface of the dried

tailings to a minimum depth of 1 foot, and the area would be seeded with an approved seed mixture. Soils for capping the tailings would be taken from throughout suitable locations on MolyCorp's property. Tree and shrub species would be planted within several years, or following establishment of the grasses.

1.3 Issues and Concerns

Several issues or concerns related to the proposed project were identified as a result of the 1985 EA and during the scoping meetings that were held in July 1986 prior to preparation of the EIS. Additional discussion about the scoping meetings is presented in Section 4.0, Consultation and Coordination and in Appendix A, Scoping Documentation, of the Draft EIS.

The scoping process, as defined under the implementing regulations for NEPA (40 CFR Part 1501.7), is used not only to identify significant environmental issues deserving of study, but also to deemphasize insignificant issues, thus narrowing the scope of the EIS process accordingly.

In December 1986, the BLM distributed a public information document to approximately 225 interested persons. The public information document included a detailed summary of scoping results, BLM responses to selected comments received during scoping, and the BLM Field Solicitor's opinion on concerns regarding future patenting of the Guadalupe site. These items are attached as Appendix A to the Draft EIS.

The primary issues that were identified as appropriate to be addressed in the Draft EIS included:

- potential effects to surface and groundwater quality (e.g., effects on well users, the Rio Grande, and the Arsenic Springs System; seepage considerations),
- air quality issues associated with windblown dust,
- potential health hazards associated with windblown dust,
- visual impacts of the dams,
- effects on local recreation/tourism,
- effects on the local employment/economy,

- noise effects, and
- loss of archaeological values.

New issues that were identified during scoping resulted in the decision to include a discussion of health risks associated with inhalable silica and dust in the Draft EIS. It was also decided that additional data were required to assess impacts related with air quality, groundwater, and socioeconomic concerns.

1.4 Consideration of Alternatives

Early in the EIS process it was determined that 43 CFR Part 3809 (Surface Mining of Public Lands Under U.S. Mining Laws) regulations did not require an alternatives analysis. The rationale for this determination follows. The lands that would be directly affected by the proposed action are public lands administered by the BLM. These lands are covered by 266 unpatented millsite claims. In the case of mineral development projects on public lands, "need" is established by virtue of the fact that the mining laws allow the filing of mining claims on vacant, unappropriated lands. United States mining laws, and the regulations by which they are enforced, recognize the statutory right of the mining claim holders to develop Federal mineral resources so long as undue and unnecessary environmental degradation is not incurred. Further, such development is encouraged and is consistent with the Mining and Mineral Policy Act of 1970 and the Federal Land Policy and Management Act of 1976.

The No Action Alternative was initially considered. The purpose of this alternative is to analyze impacts that would occur if the Proposed Action or any considered alternative were not implemented. Under the No Action Alternative the BLM would not approve the pending Plan of Operations and would not request any modification of the Plan of Operations. This would preclude MolyCorp from developing the proposed project. However, the General Mining Law of 1872 gives the claimant the right to pursue operations on Federally managed lands as long as it does not cause undue or unnecessary degradation of Federal lands (43 CFR 3809.0-6).

Unnecessary or undue degradation is defined in 43 CFR 3809.0-5(k) as "...surface disturbance greater than what would normally result when an activity is being accomplished by a prudent operator in usual, customary, and proficient operations of similar character and taking into consideration the effects of operations on other resources and land uses, including those resources and uses outside the area of operations. Failure to initiate and complete reasonable mitigation measures, including reclamation of disturbed areas or creation of a nuisance may constitute unnecessary or undue degradation. Failure to comply with applicable environmental protection statutes and regulations thereunder will constitute unnecessary or undue degradation. Where specific statutory authority requires the attainment of a stated level of protection or reclamation, such as in the California Desert Conservation Area, Wild and Scenic Rivers, areas designated as part of the national Wilderness System administered by the Bureau of Land Management and other such areas, that level of protection shall be met."

Therefore, the No Action Alternative is not provided for under current statutes or regulations and could not be selected as a reasonable alternative for detail analysis (Beaver Creek Placer Mining Record of Decision, BLM-AIC-E5-89-014-3809-918). Even though the No Action is not analyzed, the conditions under the No Action Alternative would be the same as the "Affected Environment" (Chapter 2 of the Draft EIS) which provide the background or benchmark condition from which to judge the effects of the proposed action.

Furthermore, the Mining Law and 3809 regulations limit BLM's review to the proposed plan and modifications that would reduce impact. It should be emphasized that valid claims have been filed on vacant, unappropriated lands and that a Plan of Operations has been submitted for approval. BLM is to deny, approve, or modify the proposed plan depending on the analysis determining whether or not there is undue and unnecessary degradation. BLM does not have authority to require an action to be moved to another site because another site might have different environmental impacts as long as the impacts at the proposed site do not constitute unnecessary and undue degradation.

Although BLM has determined that an environmental analysis of alternative sites is not required a report summarizing Molycorp's analysis of alternate sites has been added as Appendix B. It presents the Company's site selection rationale.

1.5 Mitigation Measures

As a result of the impact analysis presented in the Draft EIS, the following mitigation measures have been developed. These mitigation measures would be specific requirements of Molycorp as part of their Plan of Operations, if it is approved. Implementation of these mitigation measures would not completely eliminate all potential impacts. Monitoring measures that would be required as conditions of approval of the Plan of Operations, and will become part of the Plan of Operations, are also shown below.

Air Quality

- Predicted TSP violations will be mitigated by use of a chemical surfactant or bonding agent applied to areas of dried tailings to reduce wind blown dust. Molycorp has specified the use of a surfactant in their Plan of Operations, however this mitigation measure requires that the surfactant be applied at frequent intervals to eliminate the predicted violations of the New Mexico state air quality standards. If the tailings ponds are not in use for any period of time, Molycorp will monitor the conditions of the tailings not less than weekly and apply surfactant as needed to ensure that the state and federal air quality standards are consistently met.
- Molycorp will install and operate a TSP monitoring system as close as practicable to the point of predicted maximum impact to the general public as determined by dispersion modeling. The monitoring system will use EPA-approved equipment and follow EPA and New Mexico EID operation protocols. Molycorp shall submit to BLM and New Mexico EID for approval a monitoring plan before beginning to monitor. Monitoring will continue throughout the life of the project; if the state changes to a standard other than the TSP standard, TSP monitoring will no longer be required.

All collected data will be summarized and submitted to BLM and New Mexico EID on a quarterly basis. Molycorp will identify any samples which violate applicable standards and determine whether tailing emissions contributed significantly to the violation. In such case, Molycorp will identify and implement, within 24 hours, additional mitigation to prevent a recurring violation.

Water Resources

- Requirements for monitoring and protection of surface waters discharged by the project will be met as provisions of the U.S. Environmental Protection Agency's NPDES permit.

- Groundwater protection and monitoring are required as conditions of New Mexico EID's approval of Molycorp's Groundwater Discharge Plan. Approval of Molycorp's Plan of Operations will be contingent upon EID's approval of the Groundwater Discharge Plan Permit. Conditions of approval of EID's permit will be accepted by Molycorp as conditions of their Plan of Operations.
- Approval of Molycorp's Plan of Operations will be contingent upon BLM's approval of a Tailings Management Plan to be prepared by Molycorp. This plan will provide specific detail on the characteristics (density, permeability, etc.) of the slimes and other tailings material and will specify the methods and procedures for depositing tailings into the pond to assure minimal seepage. The implementation of this plan will not only assure that groundwater standards are not violated, but that groundwater impacts are minimized.

Final Engineering

- Molycorp will submit detailed engineering design to the New Mexico State Engineer for approval prior to construction of the tailings impoundment and associated facilities (pipeline, decant channel, etc.). In addition BLM will require review and approval of final detailed engineering as a stipulation to approval of the Plan of Operations. Approval of the Plan of Operations is contingent upon Molycorp being granted a permit by the State Engineer.

Vegetation

- Reclamation of the tailings area will begin immediately following facility closure. It will include all disturbed areas and will require removal of surface facilities, reshaping of disturbed areas, and capping with topsoil and planting with an appropriate seed mixture. This mitigation measure requires that Molycorp develop a reclamation plan prior to closure, and that tailings be capped with sufficient topsoil so that revegetation with selected native plant species meets criteria for species composition and cover comparable to native vegetation as identified by the Soil Conservation Service for the surrounding loamy range site.
- In addition, Molycorp's final reclamation plan will require that sufficient topsoil or other suitable soil materials be used and adequate testing be performed to ensure that there will be no detrimental uptake of potentially toxic material through the food chain.
- Final capping contours will be designed to assure site stabilization and will minimize visual intrusion.
- BLM will approve the reclamation plan and require a performance bond to ensure compliance with reclamation stabilization and other mitigation measures. The specific bonding requirements will be determined prior to approval of the Plan of Operations.

Wildlife

- The inverted umbrella wildlife watering device currently located on the project site will be dismantled, removed, and reinstalled by Molycorp. The new location will be selected by BLM and will be determined based upon proximity and need.
- In order to offset wildlife habitat impacts identified in the EIS and analyzed by the U.S. Fish and Wildlife Service under the Fish and Wildlife Coordination Act, Molycorp will enhance wildlife habitat values in certain off-site areas. Wildlife mitigation will be as follows:

Wild Rivers Recreation Area

Location	Livestock Exclosure (Acres)	Area to be Seeded (Acres)	Fence Requirements (Miles)
Section 9	12	9	0.7
Section 4	43	32	1.5
Section 34	<u>23</u>	<u>17</u>	<u>1.0</u>
TOTAL	78	58	3.2

Seeding will include a mix of grasses, forbs, and shrubs. Species desirable for wildlife include San Luis slender wheatgrass, orchard grass, penstemon, and antelope bitterbrush.

In addition to the fencing and seeding, water for wildlife will be provided by catchments in each section, and the catchment in Section 4 will be supplied with water by a pipeline from the visitor center well.

Existing Molycorp Tailings Disposal Area

One hundred acres of the present tailings facilities will be fenced, plowed, and reseeded with a suitable mix of grasses, forbs, and shrubs, including those recommended for the recreation area. This area should be adjacent to Guadalupe Mountain or the Red River. This area will be monitored for toxic mineral uptake for a period of 10 years.

Sunshine Valley Area

Areas within Molycorp's property north of Questa will be enhanced for wildlife. One hundred acres in Section 11 will be plowed, reseeded, and fenced to exclude livestock. Reseeding is to establish San Luis slender wheatgrass, orchard grass, and four-wing salt bush. One hundred and fifteen acres of Sections 1 and 2 will be developed as a wetlands habitat area. Backhoe excavation, pothole blasting, and dike construction will be used to increase the open water area by at least 6 acres. Areas adjacent to the open water will be reseeded with

a mix of plant species beneficial to waterfowl. Plants such as Garrison creeping foxtail and Vantage reed canary grass will be used to provide excellent nesting cover for waterfowl. Approximately 30 acres will be reseeded. The 115 acres will be fenced to exclude livestock. An additional 150 acres in Section 1 will be fenced, plowed, and seeded to enhance elk winter range.

- Molycorp will be required to sign an agreement with BLM to manage the previously described 465 acres of their lands for the wildlife habitat developed in this mitigation until such time as the Guadalupe Mountain tailing facilities are closed and satisfactorily reclaimed. Molycorp will further agree to follow the recommendations of BLM in the initial development of this 465 acres of wildlife habitat. These recommendations would be in the areas of fence specifications, species of seed, methods of seeding, pot hole development methods, and pothole location. Molycorp will provide a recommended plan to BLM within 12 months following approval of the Plan of Operations.
- Molycorp will reclaim the Section 36 tailings area as soon as the Guadalupe site is available for use to minimize the acreage of ponded area and to ensure that the total ponded surface does not exceed ponded acreage at the current facilities.
- The Guadalupe site will not be developed until it is needed. It will be developed incrementally and wildlife habitat will be disturbed only on each increment as it is prepared for tailings disposal use.
- Molycorp will coordinate major blasting events to minimize impacts to wildlife in adjacent areas.

Visual Resources

- In order to reduce visual impacts and preserve habitat privacy, any unnecessary removal of trees or vegetation, or removal of construction material, will not be allowed on the west side of Guadalupe Mountain.
- Visual impacts of the two rock-filled dams will be partially mitigated by seeding with native grasses and rapidly growing shrubs and forbs on the dam faces. Seeding with an approved mix will occur immediately following each dam lift stage. The purpose of the revegetation will be to minimize color and texture contrast with adjacent naturally wooded slopes. Trees and deep rooted plants will not be permitted for dam safety reasons but some fibrous root shrub species will probably be acceptable. The seed will be approved by the BLM for color blending and the State Engineer's office for safety considerations. Molycorp will notify BLM before beginning any revegetation efforts and will meet BLM standards for revegetation.

- Any man-made structures will be mitigated in accordance with Class II visual resource management guidelines, which require that any change in the basic elements (form, line, color, and texture) caused by a proposed activity will not be evident in the characteristic landscape. Contrasts may be seen, but will not attract attention. Earth-tone colors will be used in all necessary painting of structures, and placement will follow the natural contour of the terrain.

Noise

- In order to mitigate potential excessive noise that will impact visitors at the recreation area, a cooperative effort between the BLM and MolyCorp will be in effect. Effort will be made to reduce, as much as possible, the noise levels at the recreation area to a recommended level of 50 decibels, and maintain the natural sounds of the wild river. This level will be monitored and maintained from the Chiflo campground during project construction and operation for a period of 1 year at which time the noise monitoring requirement will be reevaluated by the BLM. Specific mitigation measures to be used include the following:
 - All blasting and construction work at the site from May through October, will be done during weekday periods between the hours of 8 a.m. and 6 p.m.
 - During the fall and winter months, blasting will be done between 12 noon and 6 p.m. to avoid the sharp noise levels caused by air inversions over Guadalupe Mountain.
 - To reduce road surface wear and vehicle noise on the road to the recreation area (west side of Guadalupe Mountain), all access for construction vehicles to the new tailings disposal site will be limited to the east side of Guadalupe Mountain unless approved by the authorized officer.
 - Vegetation disturbance between the west dam face and the recreation area will be minimized to maintain noise absorption between the noise source and the listeners.

Cultural

Data recovery of archaeological sites which would be destroyed by construction of the proposed tailings facility was carried out by archaeologists from the Office of Contract Archaeology (OCA) during the fall of 1988. This project, funded by the BLM, followed closely the objectives outlined in the cultural resources mitigation implementation plan which was printed as Appendix E in the Draft EIS. More than 16,000 artifacts were recovered during the field work and nearly 4,000 of these items were the subject of detailed analysis. Over 2,700 lithic tools were collected. Of particular interest is the fact that 252 projectile points

were collected during field work and were subjected to a first-order preliminary analysis. However, because of a lack of funding, fine-grained comparative analyses of these points was not completed.

The draft report of "Archaeological Investigations on Guadalupe Mountain" was prepared by OCA and submitted to the BLM in June 1989. This report was reviewed by the BLM and the State Historic Preservation Office (SHPO), and a determination was reached that the tailings facility project will have no adverse effect on significant cultural resources as a result of data recovery, with the provision that the projectile point study be completed. Both the BLM and the SHPO came to the conclusion that the projectile point study is essential to the mitigative effort because of the great potential to contribute important temporal information to the archaeological record of north-central New Mexico. This projectile point study is a mitigative measure that will be completed prior to construction of the tailings facility. Molycorp will pay for this study.

The State Historic Preservation Office has documented the need for the study in a letter which is attached as Appendix A.

Land Use

- Prior to site clearing, BLM will conduct timber or firewood sales to allow salvage of commercial wood products. During clearing Molycorp will cut and stack firewood-sized wood wastes and make that material available to the public.

1.6 Impact Conclusions

A summary of impacts that would result from construction, operation, and abandonment of the proposed project are presented in Table 1-1. Detailed discussion of impact analysis and mitigation can be found in Chapter 3 of the Draft EIS, Environmental Consequences.

TABLE 1-1
SUMMARY OF IMPACTS

Resource	Type of Impact	Extent of Impact
Air Quality	During operation of the tailings pond, potential infrequent exceedances of the State of New Mexico total suspended particulate (TSP) welfare standard may occur in the immediate vicinity of the tailings pond when dry and during periods of high winds ¹	Long-term, potentially significant because of exceedance of standard
Water Resources	Downward seepage of the tailings solution to the regional water table	Long-term, no predicted exceedances of water quality standards
Topography/ Geology	Alteration of topography; displacement of geologic material for dam construction	Long-term
Soils	Disturbance of 825 acres of soil resources; loss of 97 acres of potentially salvageable topsoil	Long-term
Vegetation	Disturbance of 825 acres of vegetation (87 percent pinyon-juniper and upland forest types).	Long-term
Wildlife	Loss of 825 acres of terrestrial wildlife habitat with associated reduction in wildlife carrying capacity; no aquatic impacts	Long-term
Land Use	Prime and unique farmland	No impact
Livestock Grazing	Reductions in public land AUMs on two allotments (one of which is in active use)	Long-term
Recreation	Reduced access to a portion of the Guadalupe Mountain area	Long-term
Visual Resources	Construction of the dams and the inability to reclaim the dam faces to blend with surrounding terrain ¹	Long-term, significant because of conflict with BLM VRM Class II objectives

TABLE 1-1 (CONTINUED)

Resource	Type of Impact	Extent of Impact
Noise	Construction-related noise (e.g., blasting) would be a noticeable increase over ambient levels at area campgrounds	Short-term, intermittent
Cultural Resources	Disturbance of 11 archaeological sites considered eligible for National Register of Historic Places	Long-term, no adverse effect if mitigated according to the data recovery plan
Socioeconomics	Economy and employment	Minimal impact
	Public fiscal conditions	Fiscal tax-related benefits to county
	Housing and public services	No impact
Health Risk	Public exposure to windblown tailings dust	Long-term, no predicted exceedance of PM-10 standard, and no health threat to the public

¹ Identified as Unavoidable Adverse Impacts in the Draft EIS.

2.0 CONSULTATION AND COORDINATION

2.1 Draft EIS Review

In the course of preparation of the Draft EIS for the Guadalupe Mountain Tailings Disposal Facility, BLM has communicated with and received input from federal, state, and local agencies; environmental and citizens groups; industries and businesses; and individuals. Approximately 350 copies of the Draft EIS were distributed by mail to various individuals, organizations, and government agencies.

During the 90-day public comment period, many of the people who received copies of the Draft EIS have submitted written comments and/or presented verbal comments at the public hearings held in Questa on January 20, 1989, and in Taos on January 21. These comments are presented and responded to in the following sections.

The following is a partial list of those agencies, groups, and individuals who received copies of the Draft EIS in December 1988. A complete list is available for review at BLM's office in Albuquerque.

Federal Agencies

Department of Agriculture

Forest Service

Carson National Forest

Department of Defense

Army Corps of Engineers

Assistant Secretary to the Air Force

Department of Energy

Department of Finance and Administration

Department of the Interior

Bureau of Mines

Alaska Field Operations

Branch of Mineral Assessment

Intermountain Field Operations Center

Bureau of Reclamation

Fish and Wildlife Service

Minerals Management Service

National Park Service

U.S. Geological Survey

Environmental Protection Agency

Office of Federal Activities

Region VI

Office of Environmental Planning

Bolling Air Force Base

State Agencies

Clearinghouse, Department of Finance
Department of Game and Fish
Department of Finance and Administration
Historic Preservation Office
Natural History Institute
Wildlife Federation
Natural History Institute
Environmental Improvement Division, Health and Environment Department
North Central New Mexico Economic Development District
State Planning Division
Economic Development District

Elected Officials

Congressman Bill Richardson

County and Local Agencies

Questa Health Center
Taos County Commissioners
Village of Questa

Others

Albuquerque Journal
Albuquerque Tribune
Animal Defense Council
Citizens for Clean Air and Water
Concerned Citizens of Questa
Dames & Moore
Environmental Law Center
Journal North
KKIT Radio
KUNM-FM News
NEICA
Metric Corp.
R. H. Hogrefe Engineering, Inc.
Safety & Health Tech Center
Science Resource Center
Sierra Club
SW Research and Information Center
Taos News
Western Network
Western Rivers Guides Association

2.2 Written Comments and Responses

The BLM received 149 letters addressing the Draft EIS during the extended 90-day public comment period. This number does not include duplicate letters; however, identical letters received from several individuals are noted as the letter is presented. All letters were

reviewed and the substantive comments (those addressing the accuracy or completeness of the Draft EIS) contained in each letter were identified. Responses have been prepared for the substantive comments identified; these responses are presented in this section. Other comments have been reviewed and considered by the BLM.

Table 2-1 lists each of the comment letters by author and reference number assigned to the letter. All letters have been reproduced in their entirety (except for duplicate letters, signed petitions, and attachments) and all material has been reviewed and considered. Public hearing transcripts from meetings in Questa and Taos are presented following the comment letters.

Following Table 2-1, the comment letters and responses are presented. Each substantive comment is identified by a bracket and reference number keyed to the letter reference number. Thus, Comment 4-3 refers to the third comment in Letter 4. The response to each comment accompanies the letter and is identified by the reference number of the respective comment (e.g., Response to Comment 4-3).

The reader is reminded that this being an abbreviated Final EIS, it is necessary to use the Draft EIS in conjunction with the Final EIS in order to fully understand the analysis that was conducted for the proposed Guadalupe Mountain Tailings Disposal Facility.

- | | |
|--|---|
| 31. John J. Bailey | 57. David B. Smith |
| 32. Carl J. Clowers | 58. Larry Price |
| 33. Paul River Chapter of Concern | 59. Julie Wagner |
| 34. Michael V. McGrath | 60. James Holt |
| 35. Paul Mallory | 61. Tom Hart |
| 36. Annie Dezin | 62. David Johnson |
| 37. Geraldine Gresh | 63. Lynn Cherry, Secretary, Nat. Wildl. |
| 38. Michael Timber | 64. Ellen J. Taylor |
| 39. Harold Young | 65. National Wildl. Service |
| 40. Mayor of Red River | 66. Henry Stachurski |
| 41. Charles and Susan Myers | 67. George A. Greenman |
| 42. John Nichols | 68. Linda Trappett |
| 43. Elaine Cochran | 69. Steve Halverson |
| 44. Stephen Salandre | 70. Frank McCarthy |
| 45. Charles Adkinson | 71. Frederick E. Fortin |
| 46. Margaret Jennings | 72. Mary Murphy |
| 47. Ann Lachey | 73. Robert Wetz |
| 48. Robert A. Rasmussen | 74. Allen Sindelar |
| 49. Corps of Engineers, Albuquerque District | 75. Marilyn Beck |
| 50. Robert W. Foley | 76. Jonathan Schramm |
| 51. White Waterfall Club of New Mexico | 77. Rita Johnson |
| 52. Concerned Citizens of Questa | 78. Marilyn Levy |
| 53. Taos Environmental Association | 79. Brian Schelde |
| 54. Ross Martinez | 80. Charles Engel |
| | 81. New Mexico Mining Association |

TABLE 2-1
COMMENT LETTERS

- | | |
|---|---|
| 1. William Cochran
USDI Bureau of Mines | 37. C. Robert Sacrison |
| 2. Michael V. McGrath | 38. Beverly Pollack |
| 3. Peter A. Gillett | 39. Hattie Stone |
| 4. Kathy Brown | 40. Jamie Ash |
| 5. Elmer Ortega | 41. Ellen B. Morton |
| 6. Joe P. Vigil | 42. Mary Humphrey
Amigos Bravos |
| 7. George Schumacher
El Monte Lodge | 43. Atilano Augustin Montoya |
| 8. Telefar Segura | 44. Clement F. Shearer
USDI Geological Survey |
| 9. Jim Baca | 45. Walter Keith |
| 10. Ron Chavez | 46. Richard Mitzelfelt
New Mexico Health and Environment
Department
Environmental Improvement Division |
| 11. Charlene Vigil | 47. Les Michel |
| 12. Lawrence A. Santistevan
Mayor of Taos | 48. New Mexico State Clearinghouse |
| 13. Michael G. Trujillo
Taos County Board of Commissioners | 49. Robert Watt
Jamie Ash
Cathy Hope
Julia Vasquez |
| 14. James Duran
Mike G. Trujillo, Taos County Commission
Manual P. Trujillo
Lawrence C. Gallegos | 50. Julia Vasquez |
| 15. Ruben Chavarria | 51. Doug Bridges |
| 16. Fred Fair | 52. Claire Cochran |
| 17. Lillah Sansom | 53. Gary M. Zaret, M.D. |
| 18. Jerry M. Murry | 54. Gilbert Segura |
| 19. Juan J. Cisneros | 55. R. Gene Dewey
Molycorp |
| 20. Cathy Hope | 56. Bonnie Bonneau |
| 21. John J. Kenney | 57. Cathy Hope
Julia Vasquez
Robert Watt
Jamie Ash |
| 22. Gail J. Cisneros
Red River Chamber of Commerce | 58. Eloy Jeantete
Taos County Economy Dev. Corp. |
| 23. Michael V. McGrath | 59. Eldon G. Reyer
National Park Service |
| 24. Paul Mallamo | 60. Nancy Tibbetts |
| 25. Annie Degin
Georgia Gersh
Michael Timber | 61. George A. Grossman |
| 26. Harold Young
Mayor of Red River | 62. Linda Trageser |
| 27. Charlee and Susan Myers | 63. Steve Waldvogel |
| 28. John Nichols | 64. Frank Pazzaglia |
| 29. Claire Cochran | 65. Fernando E. Martinez |
| 30. Stephen Salandre | 66. Mary Humphrey |
| 31. Charles Adkisson
Margaret Messinger
Ann Lackey | 67. Robert Watt |
| 32. Robert E. Meehan
Corps of Engineers, Albuquerque
District | 68. Allan Sindelar |
| 33. Robert W. Robey
Adobe Whitewater Club of New Mexico | 69. Marilyn Yank |
| 34. Concerned Citizens of Questa | 70. Jonathan Scharfman |
| 35. Taos Environmental Association | 71. Sita Jarmeson |
| 36. Rose Martinez | 72. Maryanne Levy |
| | 73. Brian Shields |
| | 74. Charles Roybal
New Mexico Mining Association |

TABLE 2-1 (CONTINUED)

- | | |
|--|--|
| 75. Kenneth J. Cassutt
Sierra Club | 113. David Bates
Cynthia Patterson
Susan McCarthy
Taos Environmental Association |
| 76. Mary Harrison, RN | 114. Joel Carp |
| 77. Joe P. Vigil | 115. John C. Peterson
USFWS |
| 78. Susan Banks | 116. O. J. Murrell |
| 79. Larry T. Cangill | 117. Alonzo Quintana |
| 80. Andy Chavez
Taos County Chamber of Commerce | 118. Serafin Jaramillo |
| 81. Steph Rose | 119. Conran N. Runnebaum
Holy Trinity Parish |
| 82. Terrell H. Johnson | 120. Rick Collignon |
| 83. Patricia Kennedy
Dale Stahlecker
Eagle Environmental | 121. Philip M. Hocker
Mineral Policy Center |
| 84. Caty Butcher
Sierra Club (Albuquerque) | 122. Roberto Vigil |
| 85. Robert E. Layton, Jr.
EPA, Region VI | 123. Steve Miller
New Wave Rafting Co. |
| 86. Roger S. Peterson
New Mexico Natural Historical District | 124. LeRoy T. Phillippi
Taos County Limited Purpose Agency |
| 87. Herbute Grubb | 125. Mr. and Mrs. Sumner |
| 88. Virginia Archuleta | 126. Joe P. Vigil |
| 89. Richard M. Pederson
U.S. Forest Service | 127. Manual Lujan
Secretary of the Interior |
| 90. Tom Bahr
New Mexico Energy, Minerals and
Natural Resources Dept. | 128. Robert G. Dreher
Sierra Club Legal Defense Fund, Ir . |
| 91. Mary Louise Stone | 129. A. Wilfred Rael |
| 92. Mary Witkop | 130. Jose E. Chavez |
| 93. David Hopper | 131. Thomas H. Robey |
| 94. Lorenzo Campbell
Northern New Mexico Legal Services | 132. Adonario Gallegos |
| 95. Legislature of State of New Mexico
(Senate Memorial)
Sen. Carlos R. Cisneros | 133. Petition |
| 96. Petition | 134. A. Wilfred Rael |
| 97. Manuelita C. Mondragon
Taos County Treasurer | 135. Bill Montoya
New Mexico Dept. of Game & Fish |
| 98. Joella Coca
Taos County Clerk | 136. Ben Santistevan |
| 99. Margie V. Abeyta
Taos County Treasurer | 137. Steven R. Goodman |
| 100. Claire Cochran | 138. Anne Kious |
| 101. Walton Hawk | 139. Gary Edwards
Latir Landowners |
| 102. Elias R. Chavez | 140. William L. Stevens |
| 103. W. S. Devine | 141. Millicent Eidson
Office of Epidemiology
New Mexico Health and Environment
Dept.
Joe LaBauve
Air Quality Bureau |
| 104. Serafin Jaramillo | 142. Antonio Jose Trujillo II |
| 105. Joe P. Vigil | 143. Ronald Gardiner |
| 106. Concerned Citizen of Cerro | 144. Drue A. Bralove |
| 107. John Nichols | 145. Aaron Enrique Rael |
| 108. Gene Barry | 146. Marcus J. Rael |
| 109. Robert W. Leonardson | 147. Mel Breitner |
| 110. Connie L. Emerson | 148. Paul G. Drake |
| 111. Marsha Jiron | 149. Mary Humphrey
Amigos Bravos |
| 112. John L. Gaillour, Jr.
Mayor of Questa | |



United States Department of the Interior

BUREAU OF MINES

P. O. BOX 25086
BUILDING 20, DENVER FEDERAL CENTER
DENVER, COLORADO 80225

Intermountain Field Operations Center

December 20, 1988

Memorandum

To: Robert T. Dale, Albuquerque District Office, Bureau of Land Management, 435 Montana N.E., Albuquerque, New Mexico 87107

From: Chief, Intermountain Field Operations Center

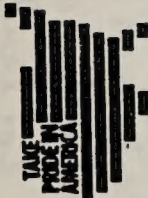
Subject: Review of draft environmental impact statement of Molycorp Guadalupe Mountain Tailings Disposal Facility, Questa, Taos County, New Mexico (ES 89-003-4130)

As requested by the Director, Office of Environmental Project Review, personnel of the Bureau of Mines reviewed the subject document to determine whether impacts to mineral resources and production facilities were adequately considered. The document pertains to construction of a molybdenum mill tailings disposal facility on 1,230 acres of public land on Guadalupe Mountain near Questa, New Mexico.

Within the proposed project, several late Tertiary volcanic events deposited about 5,000 feet of volcanic rocks. Possible mineral and energy resources related to volcanics are not discussed. For example, the Serville basalt may indicate geothermal resources at depth. Also, volcanic rocks are often host to zeolite and perlite deposits. Other mineral resources, if present, are deeply buried under the volcanics.

The highly fractured andesite, extensively jointed basalt, and inter-tongued basalt and sedimentary debris have a very high permeability that could allow selenium and other toxic metals into the ground water. Cadmium, lead, iron, and manganese levels already exceed maximum allowable concentrations below the old tailings pond. The abundant faulting in the area also provides many channelways for subsurface waters to enter the aquifers. Because the ground water flows southwest through the aquifers, monitor wells should be drilled south and west of the old tailings pond and the proposed tailings site. We suggest that subsequent versions of the DEIS describe all mineral resources that may be present in the project area and discuss possible impacts to them. If it is known or can be demonstrated that mineral resources in the area would not be impacted, then a statement to that effect should be included.

William Cochran
William Cochran



1-1

According to Robertson, et al. (1986) and Haigler and Sutherland (1965), no known economic mineral deposits occur within the project area.

1-2

The hydrogeologic environments—between the present and proposed tailings pond sites—differ significantly. The most important difference relative to water quality protection is the very thick unsaturated zone beneath the proposed tailings pond. Any fluids that seep downward from the pond would have to travel through approximately 750 feet of soil and rocks before encountering the water table and entering the active groundwater flow system. Laboratory studies conducted by Dames & Moore, and subsequent modeling studies, demonstrated that metals would be almost completely attenuated in that thick unsaturated zone. Any metal that reached the water table would be of negligible concentration and well within the New Mexico Water Quality Standards.

A second factor is the high volume of groundwater flow under the proposed site. Studies conducted since the Draft EIS was released for public comment have demonstrated that any chemical constituent that does enter the saturated zone (e.g., sulfates) would disperse (by mixing) within very short flow distances such that no New Mexico Water Quality Standards would be violated.

The faulting in the area does influence groundwater flow, but in a positive sense by dispersing flow out of "channels".

The groundwater monitoring plan described in Molycorp's Discharge Plan for the Guadalupe Mountain Tailings Disposal Site that is currently under review at the New Mexico Environmental Improvement Division identifies the following monitoring sites:

- The BLM well southwest of the Guadalupe tailings pond.
- Three new monitoring wells to be installed approximately in a northwest-southeast line with the BLM well upgradient from the Red River Fault Zone.

The wells are proposed to be monitored for those substances contained in tailings seepage from the Guadalupe site and listed in New Mexico Water Quality Control Commission Groundwater Quality Standards regulations. Monitoring would be performed by Molycorp and reported to the New Mexico Environmental Improvement Division on a quarterly basis.

The monitoring plan is currently under review by the EID. In issuing the permit for the Discharge Plan the EID will approve a monitoring plan that will meet the applicable state requirements. In the past the EID has monitored privately owned wells in the area. The EID will probably continue this practice.

Letter 2

MICHAEL V. MCGRATH
P.O. BOX 498
QUESTA, N.M. 87556

JAN 11 1980

MR. LARRY L. WOODARD
NEW MEXICO STATE DIRECTOR
BUREAU OF LAND MANAGEMENT
SANTA FE, NM. 87501

Dear Mr. Woodard,

I am writing to you to let you know of the destruction that MolyCorp. is doing in Northern New Mexico. They have already ruined the Questa area with their tailings pond, when the wind whips up and all that dust starts blowing and your nose starts bleeding you realize the damage.

They already have ruined the Red River, its poisoned so bad theres no fish that can make it more than a mile upstream from the Rio Grande.

The Guadalupe Mountains are part of the Wild River Benic Recreation Area. La Junta point is one of the most precious and beautiful areas, Ive seen, outside of the Grand Canyon. These mountains are La Junta! Dont ruin it because of Molycorps greed. MolyCorp. is known in this area by numerous small landowners for their desire for land. They have begged, borrowed, and even stolen land from people in the area, dont let them get the most meaningful piece of land in Northern New Mexico.

2-7

Response to Letter 2

2-1

La Junta Point would be largely unaffected by the proposed project. Visitors to La Junta Point would view the westerly dam face on the route into the Wild Rivers Recreation Area but the tailings disposal facility would be completely screened from views at La Junta Point itself by South Guadalupe Mountain. Viewsheds from La Junta Point, the visitors center, and the La Junta Point area campgrounds would be completely unaffected by the proposed project.

Response to Letter 1

2-2

2-2
I've walked thru their old tailings pond here in Questa, and it's empty! They still have at least 9 or 10 years worth of storage at their present site. To give them part of a Congressional Recreation Area would be silly.

Solutions you ask? Let them use their old tailings pond for the next 10 years, then they should have constructed, on their own property by their mind, another dump site in a safer and less harmful place. There's a lot of MolyCorp. land by that mine they could use to dump their junk.

Last June 17, 18, 19 we had a 20 year celebration at the Wild River Benne Recreation Area. I was a volunteer and worked their four days. I received your certificate of appreciation. I saw a lot of beauty there. The animals don't want to go away. The Rio Grande is certainly not going anywhere, but it can't defend itself from self destructive greedmongers who would start World War III just for the profits.

I have just begun to explore the Guadalupe Range and it's fascinating. Don't let them turn them into a cesspool. It took an act of Congress to preserve this area, let it be up to Congress to decide to destroy it forever.

MolyCorp is synonymous with greed, don't let them steal our National Environmental Treasures.

Sincerely,

Michael V. McSwath

There are several years of storage capacity remaining in existing ponds. This is noted in the Draft EIS (page 1-3). There is not sufficient capacity to accommodate the currently estimated life of the mine, however, so the current proposal is part of the proponent's long range planning. If approval is granted, the existing ponds would not be abandoned; they would continue in use until their capacity was exhausted. The proposed new facility would be brought on line over a 6-year period near the end of the life of the existing ponds. The 6-year time frame includes 2 years for detailed engineering design, 2 years for first stage construction, and 2 years for transition from the existing ponds to the new facilities.

Long term planning of this nature permits review of the benefits and costs, economic and otherwise, of the proposal without the added pressure of imminent forced closure from exhaustion of existing capacity.

Letter 3

Response to Letter 3

RECEIVED
BLM

P. O. Box 1341
Taos, NM 87571

89 JAN 11 AM 11:23

January 6, 1989

Mr. Robert Dale
210 ALBUQUERQUE, N.M.
Bureau of Land Management
Albuquerque District Office
435 Montana N.E.
Albuquerque, NM 87107

Re: MolyCorp Guadalupe Mountain Tailings Disposal Facility

Dear Sir:

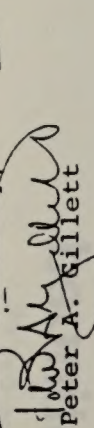
I have read and studied the Draft Environmental Impact Statement and wish to make the following comments:

- 1) The Guadalupe Mountain site is the most preferable of all the sites considered.
- 2) The Draft Environmental Impact Statement addresses all various impacts and, plans and requirements are in place to mitigate any adverse impacts caused by the tailings facility.
- 3) With regards to beneficial socioeconomic impacts, these have been understated since only direct impacts have been addressed. It is not only the thirty (30) jobs associated with construction and operation of the tailings facility that are at issue, but the other two hundred (200) to six hundred and fifty (650) workers (jobs) required (depending upon the strength of the molybdenum market and the appropriate level of production selected) to develop, mine, mill and service the MolyCorp mining complex.

The fact is that the whole future of the Questa molybdenum mine and facilities is dependent upon the long term ability to dispose of tailings ie, some 2.9% to 8.4% of the total employment of Taos County (average 1983 - 1987) is directly at stake. Indirectly, support and service employment in the county and state will add significantly to these percentages.

For the above reasons I am definitely in favor of the Guadalupe Tailings Disposal Facility being allowed to proceed in an expeditious manner.

Yours sincerely,


Peter A. Gillett

3-1

3-1

Early in the EIS process it was determined that the EIS would be limited in scope to direct effects of the proposed project because it was determined that the mine would continue to operate with or without the proposed project. Therefore, the impacts of the mining and milling operations were not assessed in this EIS.

RECEIVED
GLM

January 12, 1988

39 JAN 17 P 3: 08

Mr. Robert Dale
Bureau of Land Management 010 ALBUQUERQUE, N.M.
435 Montano Rd., NE
Albuquerque, NM 87107

Dear Mr. Dale,

I am writing in regards to the letter that was published just this week in the Taos News. I am not a member of Amigos Bravos, but do find their questions valid.

Growing up in Taos County for the last 30 years, it has always amazed me that no one noticed that the Red River turned a murky turquoise at the exact location of where the Mine sits above Columbine Canyon. Report after report has promised the Questa citizens that the Mine is not ill effecting their healths. I find that very difficult to beleive.

The Moly Mine has also promised to reseed the mountain that they have literally dug inside out. I find it also hard to beleive that many plants are able to grow on that gray rock. I also have not seen much effort in their so-called reseeding.

I do realize, however, that Taos County needs jobs badly. I know that Questa has been particularly hurt economically by the Mine's closing. I have noticed that Questa has made an incredible effort to lure the tourists into their area. I beleive in my heart that this is the best direction for the County to head.

Basically, I do not support any use of of Guadalupe Mountain as a tailings site. In fact, I am vehemently opposed. It is a beautiful tourist site that backups against the Rio Grande Wild River area that I feel can bring Questa much in the years to come.

Sincerely,

Kathy Brown

Kathy Brown
Taos Resident and Home Owner

cc: Richard Stogemeier, President & Chief Officer
David Shoemaker, Molycorp

Letter 4 Thank you for your letter.

Letter 5

Response to Letter 5

Robert T. Dale
BLM
435 Montano N.E.
Albuquerque, New Mexico 87107

Dear Sir:

The Environmental Impact Statement for the Guadalupe Mountain Tailings Project indicates that the environment will be only minimally affected by the proposed Molycorp, Inc. tailings dam.

In view of this information, I strongly support the company's efforts to build their dam, resume their operations, and again provide jobs which are so badly needed in this area. The company has demonstrated that they do care about the environment and the communities which will be affected. Your favorable consideration in this matter will be appreciated.

Very truly yours,

This letter sent in by
627 people

Letter 5

Thank you for your letter.

RECEIVED
BLM

89 JAN 18 P 3: 54

010 ALBUQUERQUE, N.M.

January 18, 1969

Congressman Bill Richardson
3rd Congressional District
332 Cannon HOB
Washington, D.C. 20515

Dear Bill:

Thank you for your letter of November 17, 1968. In reading the Albuquerque Journal dated 1/14/69, I am happy to know that a lot of people are behind you on the WLR issue.

Bill, on the letter I wrote to you on October 7, 1968 I stated my concern and opposition to Moly Corp's proposal to construct tailing dams (waste) in the Guadalupe mountains. In answering my letter you do not mention anything on this issue. I want to emphasize the importance in the matter, and urge you to help us save our beloved Guadalupe mountains and the many kinds of wildlife that live there.

Thanks again Bill, for your tireless efforts in helping people. I am enclosing a cartoon (humor?) from the Albuquerque Journal of 1/14/69. Also a letter that appeared in the Taos News from the Amigos bravos.

Sincerely,

Joe R. Vigil
Joe R. Vigil
P.O. Box 41
Cerro, NM 87519

cc: Honorable Manuel Lujan
Robert Dale, BLM Office
Albuquerque, NM 87107

Letter 6 Thank you for your letter.

Letter 7

Response to Letter 7



EL MONTE LODGE, INC.

RECEIVED
JAN 18 1958 758-3171

Kit Carson Road
P. O. BOX 22
TAOS, NM 87571

89 JAN 18 P 3: 34
OVER 50 YEARS OF HOSPITALITY

010 ALBUQUERQUE, N.M.

17th January

Good Morning Mr. Dale -

I'm writing about the Maly

Core Mine at Questa -
after living in the Four Corners

area and seeing what you did
under your control. The strip
Coal Mines - I would be in
favor of the reopening the
mine at Questa and the new

Ponds -

I am sure your office
would see to it that the Con-
ditions and agreements would be

lined up to - Sincerely
George Edmunds

Letter 7

Thank you for your letter.

Letter 8

Response to Letter 8

RECEIVED
BLM

89 JAN 19 P 1: 32

010 ALBUQUERQUE, N.M.

January 16, 1989

Honorable Manuel Lujan
Congress of the United States
House of Representatives
Washington, D.C. 20515

Dear Manuel

I am writing to you to ask your help in protecting the
Guadalupe Mountains and our community of Cerro, NM.

I am a lifetime resident of Cerro. For generations we
have lived and thrived. The Guadalupe Mountains and
the wildlife there have been a part of our lives. Now
Moly Corp wants to dump their waste in what we consider
"our back yard".

Now is the time Manuel, and I encourage you to say NO
to Moly Corp's proposal.

May God bless you and be with you at your new position.

Sincerely

Telesfor Segura

Telesfor Segura

cc: Congressman Bill Richardson
Robert R. Dale
BLM Office
Albuquerque, NM 87107

Letter 8

Thank you for your letter.

Letter 9

Response to Letter 9

January 14, 1989
RECEIVED
BLM

89 JAN 19 P 1:32

Honorable Manuel Lujan
Congress of the United States
House of Representatives
Washington, D.C. 20515

010 ALBUQUERQUE, N.M.

Dear Mr. Lujan

I am writing this letter to let you and your constituents know my position on the tailing ponds that Moly Corp wants to construct in the Guadalupe Mountains.

I live in Cerro, NM and I am against such proposal. Let's not be so naive on the issue of our environment.

As a native New Mexican, Manuel, I too am very proud of our state. A more appropriate name "La Tierra del Encanto", could not be thought of.

I do believe this is a matter of money and politics. In a few years the money will be gone, politicians will still be giving themselves 50% or more in pay hikes, and we the poor people will be left with what was once the beautiful Guadalupe Mountains. From the mouse to the mighty black bear (I have seen them) will be gone forever.

As Secretary of the Dept. of the Interior, I encourage and I plead with you to say NO to Moly Corp's proposal

Sincerely

Jim Baca
P.O. Box 373
Cerro, NM 87519

cc: Congressman Bill Richardson
✓ Robert T. Dale
BLM Office
Albuquerque, NM 87107

Letter 9

Thank you for your letter.

Letter 10

Response to Letter 10

RECEIVED
BLM

89 JAN 20 P 4: 52

January 16, 1989

010 ALBUQUERQUE NM
Honorable Member Lujan
Congress of the United States
House of Representatives
Washington, D.C. 20515

Dear Mr. Lujan

Please say no to Moly Corp's proposal to construct waste ponds in the Guadalupe Mountains. I am a resident and I have property in the community of Cerro, NM

The U.S. Government has laws protecting endangered species of wildlife. Our very proud and symbolic Bald Eagle which I have seen in and around the Guadalupe Mountains is an example.

The portion of the beautiful Rio Grande which is protected under the Wild Rivers Act is next door to the site where Moly Corp wants to dump their waste.

It is my firm opinion that the sanitary dump in Cerro and the existing tailing ponds in Questa is more than enough to pollute the air in our community.

Help us protect our environment, the time is now, before it is too late.

Concerned Citizen

Don Chavez
Don Chavez
P.O. Box 425
Cerro, NM 87019

cc: Congressman Bill Richardson
Robert T. Dale, BLM Office
Albuquerque, NM 87107

Letter 10

Thank you for your letter.

Letter 11

Response to Letter 11

RECEIVED
BLM

89 JAN 20 P 4: 45

010 ALBUQUERQUE, N.M.

1/18/89

Mr. Manuel Lujan
Congress of the United States
House of Representatives
Washington, D.C. 20515

Dear Mr. Lujan:

As you probably know, Moly Corp wants to construct waste dams in the Guadalupe Mountains. Coming in from the west side, we are the family that lives the closest to the proposed waste ponds. I am very much concerned for my family's health as well as the community as a whole.

I know you have a busy schedule, but please take some time and read the issue of Time Magazine dated January 2, 1989. The article on "Endangered Earth" is very sad and very frightening.

As one of your supporters, Mr. Lujan, I only ask one thing. Please say NO to Moly Corp's proposal.

Thank you,

Sincerely,

Charlene Vigil
Charlene Vigil

P.O. Box 357
Cerro, NM 87519

cc: Mr. Bill Richardson
Robert Dale, BLM Office

As noted in the Draft EIS, construction and operation of the dams would be to State Engineer's standards; no exceedances of groundwater quality standards would result from the project; and no health-related impacts that would result from implementation of the proposed project. Most industry, in producing its products, must utilize or deal with potential hazards to health and the environment. With the proper precautions, it is believed that industry, including MolyCorp, can produce its products safely. We are all beneficiaries of the essential products, the contributions to the economy, and the jobs created in this process.

RECEIVED
GALILEO
TOWN OF TAOS
TO THE ENCHANTED CIRCLE

39 JAN 20 P 4: 45

010 ALBUQUERQUE, N.M. OFFICE of the MAYOR

Taos Municipal Building, 205 Armory Street (505) 758-4085
PO Drawer M, Taos, New Mexico 87571
LAWRENCE A. SANTISTEVAN, MAYOR

January 19, 1989

Robert T. Dale, District Manager
Bureau of Land Management
435 Montano N.E.
Albuquerque, New Mexico 87107

RE: ENVIRONMENTAL IMPACT STATEMENT-MOLYCORP, INC.

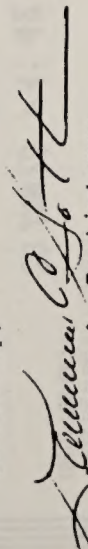
Dear Mr. Dale:

The Guadalupe Tailings Disposal Site proposed by Molycorp, Inc., near Questa, New Mexico is vital to the economic recovery of Taos County. In reviewing the Environmental Impact Statement, we are assured that the disposal site will not pose a threat to our delicate environment in the area.

We are equally concerned about protecting our environment, as we are about economic recovery for our County. We do not see any significant reasons in the report that should preclude Molycorp, Inc., from obtaining the necessary permits for this project.

To this end, the Town of Taos fully endorses and supports the effort of Molycorp, Inc., to obtain approval for use of the disposal site.

Sincerely,

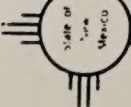

Lawrence A. Santistevan
Mayor

cc: Town Council

Letter 12

Thank you for your letter.

ADMINISTRATIVE OFFICES OF THE TAOS COUNTY COMMISSION



P.O. BOX 1914
TAOS, NEW MEXICO 87571
(505) 758-8834

RECEIVED
BLM



39 JAN 20 P 4: 42 January 18, 1989

010 ALBUQUERQUE, N.M.

Robert T. Dale
District Manager
Bureau of Land Management
435 Montano N.E.
Albuquerque, New Mexico 87107

Dear Mr. Dale:

On behalf of the Taos County Board of Commissioners, I hereby convey to you that, the Governing body of Taos County does support the efforts of Molycorp in attempting to provide the constituents of Taos County with a positive economic future.

After carefully weighing the Environmental and Economic position of our County, we are convinced that you have advised those concerns that we believe are dear to the residents of Taos County.

We stand ready to assist you in reaching those goals that are of mutual interest, both to Molycorp and Taos County residents.

Please feel free to call upon us, should you require additional assistance.

Sincerely,

Michael G. Trujillo

Michael G. Trujillo, Chairman
Taos County Board of Commissioners

MGT/cvh

cc: LeRoy Apodaca
Manager Administrative Services

Letter 13 Thank you for your letter.

ADMINISTRATIVE OFFICES OF THE TAOS COUNTY COMMISSION



RECEIVED

BLM

P.O. BOX 1914
TAOS, NEW MEXICO 87571
(505) 758 8834

93 JAN 20 P 4: 41

010 ALBUQUERQUE, N.M. January 18, 1989

Robert T. Dale
District Manager
Bureau of Land Management
435 Montano N.E.
Albuquerque, New Mexico 87107

Dear Mr. Dale:

The Taos County Commission having read the Environmental Impact statement regarding the proposed Guadalupe Tailings Disposal Site, is convinced that MolyCorp, Inc. has taken extreme care in assuring that the environment will be protected at the site. Because of the Company's attitude, and commitments and the depressed economy in Taos County, the Taos County Commission heartily endorses the Company's efforts to secure the necessary permits for their project.

Sincerely,

James Duran, County Manager
Mike G. Trujillo, Chairman
Manuel Pablito Trujillo, Commissioner
Lawrence C. Gallegos, Commissioner

JD/MGT/MPT/cvh

cc: New Mexico Environmental Improvement Div.
Dave Shoemaker, Mine Manager

Letter 14 Thank you for your letter.

MICHAEL G. TRUJILLO
DISTRICT II

LAWRENCE C. GALLEGOS
DISTRICT II

MANUEL PABLITO TRUJILLO

Letter 15

Response to Letter 15

RECEIVED
BLM

Jan 19, 1989

39 JAN 20 P 4: 38

010 ALBUQUERQUE, N.M.

Honorable Manuel Lujan
Congress of the United States
House of Representatives
Washington, D.C. 20515

Dear Honorable Lujan

Although your record indicates you have not been much for environmental issues, I would appreciate it very much if you could help save the Guadalupe Mountains. Moly Corp in Questa, NM wants to acquire rights to pipe their waste to the Guadalupe Mountains.

What is very upsetting is the fact that some people in Cerro and Questa are going around with petitions soliciting signatures in favor of Moly Corp's proposal. I stopped at a business in Questa and was shocked to witness the proprietor asking for signatures from people who are not even from the area, just passing through. They could care less what happens to our mountains, our community of Cerro and our environment.

I, therefore, solicit your support in stopping Moly Corp. from constructing their tailing dams in the Guadalupe Mountains.

Culture wise, Religion wise, Our Catholic Church "La Virgen de Guadalupe Church" was named after el Cerro de Guadalupe of the Guadalupe Mountains, so please help us prevent the destruction.

Thank you sir, and remember what the beloved John F. Kennedy said, "Ask not what your Country can do for you, ask what you can do for your Country".

Sincerely

Ruben Chavarria
Ruben Chavarria
Box 428
Cerro, NM 87519

cc: Congressman Bill Richardson
Robert Dale, BLM Office

Letter 15
Thank you for your letter.

Letter 16

Response to Letter 16

RECEIVED
BLM

FRED FAIR
P.O. Box 745
TAOS, NM 87571
(505) 759-9331

89 JAN 23 P 2: 48

010 ALBUQUERQUE, N.M.

TO Robert Dale
Bureau of Land Mgt.
435 Montano Rd. N. E.
Abq., N.M.
87107

DATE 1/19/89

SUBJECT Moly tailing pond
expansion

Dear Mr. Dale:

Regarding the captioned, I strongly question the transferring of the Guadalupe (proposed) site to Moly for the construction of tailing ponds because of aesthetic degradation and health hazards.

The existing tailing ponds are, ugly. What attempts that have been made to create ground cover have failed. Blowing dust from the existing ponds degrade the environment and aesthetics and also lower property values in the Questa region.

The very visible blowing clouds of dust from the existing ponds would increase at a greater rate in the new location due to the venturi effect of the proposed location. The site is between north and south ridges, facing the prevailing winds and immediately west of Cabresto and Red River Canyons. The promise of soil stabilization does not work in practice in the old location and will be non-existent in the new exposed location.

What Moly is attempting is to increase its attractiveness to an overseas buyer at the expense of our community.

16-1

Visible emissions are likely to occur at the proposed tailings site during windy conditions, much like what exists presently. However, occurrence of visible emissions is not directly related to a health risk or a violation of an air quality standard. It may be a nuisance, however, the health risk depends on the size and composition of the particulate matter. The "venturi effect" referenced in your comment is related to the topography of the Guadalupe Mountain area. The effect of local topography on air quality is addressed in the Response to Comment 20-1.

Letter 17

Response to Letter 17

Ms. L. Sansom.
Box 164,
San Cristobal, N.M.
18th January, 1989

RECEIVED
BLM

B.L.M.,
435 Montano Rd., N.E., 87109 JAN 23 P 2: 41
Albuquerque, N.M.

Dear Robert Dale, 010 ALBUQUERQUE, N.M.

I am writing you to express my deep dismay over the Moly mine's proposed dam and tailings pond to be built in the Guadalupe Mountains north of Questa. Molycorp already has two tailings sites that will not be full for another 15-20 years. Given the lack of demand for molybdenum and scientific breakthroughs on cheaper alternatives, the mine, even if it does reopen, may not even need the capacity of its present tailings sites.

The Environmental Impact Statement - which was poorly distributed - showed that the E.I.D. did not find the ground water study favourable. The present mine owners have not shown environmental integrity in the past, refusing to take responsibility for the pollution of Red River. This proposed third site of millions of gallons polluted with lead, selenium and molybdenum would be only 2 miles from the Rio Grande and resting above the states most important aquifer.

Wildlife, including mule deer, elk, cottontail rabbits, bobcats, coyotes, gray foxes, raccoons, ringtails, mountain lions and black bears would lose habitat on and surrounding the site, according to a recent environmental statement. Doves, quail, turkeys and pigeons and grouse would be displaced and the nests of owls, hawks and falcons would be lost.

There is also the problem of wind-borne pollutants. Unlike Questa High School, whose pupils are subjected to the noxious dusts while in their playing fields, those who live downwind cannot relocate their homes and ranches.

I ask you to consider all the repercussions of this proposed sale of public land and for once base your decision on more than the short term economic picture and to be aware of the rapidly escalating ecological crises whose only hope of abatement lies in the ability of each individual to make choices which cultivate rather than further destroy our wonderful planet. This mode of thought can no longer be dismissed as "Back to the Earth" apocalyptic un-American pessimism. The leading stories of this month's National Geographic, Time Magazine, Amicus Journal make clear the scientific basis for an urgent need to change our way of being on this earth before totally irrevocable damage is done.

Yours sincerely

Lillian Sansom.

C.C. Manuel Lujan
Bill Richardson
Jeff Bingaman.

This letter also received from:
Michael McGowen

17-1

See Response to Comment 2-2.

17-2

The general consensus is that water quality impacts to the Rio Grande would not occur. Available data support a conclusion that groundwater flowing under the proposed site would traverse approximately 4 miles prior to discharge into the Rio Grande. Well before that discharge, chemical constituents entering the groundwater system would have been dispersed/diluted such that New Mexico Water Quality Standards would not be violated.

Please refer to Response to Comment 1-2 for additional discussion on water quality.

17-3

The commenter is correct in that wildlife habitat and associated wildlife populations on and adjacent to the site would be lost due to the project. Expected impacts of the project are enumerated in Chapter 3 of the Draft EIS. In regard to upland bird species mentioned in the comment, both mourning dove and rock dove were found to be common in the Guadalupe Mountain area and band-tailed pigeon was noted as uncommon by an independent prey base study performed by Eagle Environmental (Kennedy and Stahlecker 1986); these species would suffer habitat loss. Other upland game birds mentioned in the comment, including turkey, grouse, and quail, are known from the project region but were not found to inhabit the project site during the study period. There are no known raptor nests in the area of the proposed project, though there is a possibility that some unknown nest sites could be affected.

17-4

The only exceedances measured by the model were total suspended particulates (TSP). This does not indicate a health threat as an inhalable particulate (PM-10) exceedance would. Table 3-11 (page 3-40 of the DEIS) presents maximum 24-hour concentrations of potentially hazardous metals based on the concentration of each element in the dry tailings. The ratio of the concentration of each element to the total concentration was applied to the maximum PM-10 concentrations predicted by the model to determine what concentrations of each element would occur in the air during this worst-case scenario. As seen in Table 3-11, all maximum 24-hour PM-10 concentrations are well within safe exposure levels as represented by the Threshold Limit Values (TLV). These impacts are for the maximum exposure location immediately adjacent to the new tailings site. Impacts would be much less at nearby residences, ranches, schools, etc.

Letter 18

Response to Letter 18

RECEIVED
OLM

Jerry M. Murry
P.O. Box 867
Red River, N.M. 87558
(505) 754 2522

Robert T. Dale
Bureau Of Land Management
Albuquerque District Office
Albuquerque, N.M. 87101
99 JAN 23 P 2: 40
ALBUQUERQUE, N.M.

Dear Mr. Dale,

This letter represents my comments on the draft EIS prepared for the MolyCorp Guadalupe Mountain Tailings Disposal Facility.

I have resided in the Questa/Red River area for the past 30 plus years. My home is located in the upper valley area of Red River now and I operate an electrical contracting business in the Red River area.

During these years I have been fortunate to become acquainted with MolyCorp from several different viewpoints.

Being employed as an electrician by MolyCorp for 22 years I learned the value of having an employer in the area that provided the wages, benefits, working conditions, training, and advancement opportunities needed to live in this beautiful area and support a family.

As a member of the community I learned the value of having a neighbor like MolyCorp. I remember what TV reception was like in Questa prior to MolyCorp installing translators on Flag Mountain in 1964. I remember when ambulance service was almost non-existent and MolyCorp would make their ambulance available when needed. When the MolyCorp health center was starting, MolyCorp and it's employees contributed generous sums of money to purchase needed equipment and services. When we needed sirens for the Wheeler Peak Fire District MolyCorp donated them and the material to hook them up. I'm sure there are many who remember MolyCorp's summer employment program for college students to supplement their knowledge and expenses. I'm also sure there are many little league teams, churches, local Governments and other organizations that can remember the many times they have received MolyCorp's assistance.

Having served as an elected member of the School Board of the Questa Independent School District from 1979-1987 I learned the value of working with a company that maintained an open door policy to hear our concerns or comments. A company that provided us with factual information about their tailings disposal operations so that as a board we could make responsible decisions and keep parents and the public properly informed. When concerns by the public were raised about the contents of the tailings in the ponds adjacent to the High School, Moly officials attended a public meeting to address these concerns and answer questions. When some patrons wanted further assurance MolyCorp gave us permission to collect and send samples to a Lab of our choice for analysis. The test results were consistent with the information furnished us by MolyCorp.

In summary Mr. Dale I whole heartily support MolyCorp's plan for the Guadalupe Mountain Tailings Disposal Facility. I have no reservations about their intentions nor the integrity of the project. MolyCorp has earned the trust and respect of this area and has repeatedly shown their intentions are for the best interests of our area.

Letter 18

Thank you for your letter.

I have no doubts they will do everything possible to protect the Environment in this expansion project.

It is certainly my hope that prompt approval of this project can be made so that Molycorp can be issued a permit to begin at the earliest possible date.

Yours Truly
Ferry M. Murry
Ferry M. Murry

Letter 19

Response to Letter 19

RECEIVED
BLM

89 JAN 23 P 2: 18

010 ALBUQUERQUE, N.M.

January 19, 1989

To Whom It May Concern:

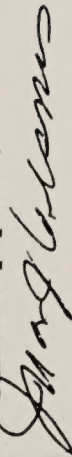
I am once again writing in protest of Moly Corp taking my permits, at Guadalupe Saddle, for disposing of their waste. I have had my permits there for about 20 years. Now Moly Corp decides they want what I have got and they are going to take it away with out giving me anything in return. I had to pay for those permits. I don't see how Moly Corp can just come in and take it.

It is not fair at all for them to take my livelihood away just like that. I depend on my cattle for a major part of my income, at the present time. I need those permits to graze my cattle. Without those permits I am out in the cold.

All I am asking is if you decide to give the Guadalupe site to Moly Corp, I want to be compensated fairly. Either paying me for my permits or giving me another site suitable for grazing purposes. I thank you for your time. I would appreciate it if you would look at the situation from my point of view.

19-1

Sincerely yours,



Juan J. Cisneros

P.O. Box 704
Quartz N.M.
87556

19-1

The loss of grazing privileges cannot be compensated for because no right has been established. If and when your permits are canceled, you will be entitled to 2 years prior notification (43 CFR 4110.4-2(b)). Also, if you have placed or constructed authorized permanent improvements on public lands covered by the permit(s), you will be entitled to reasonable compensation for the adjusted value of the improvements (43 CFR 4120.3-6(c)).

Letter 20

Response to Letter 20

Box 160
San Cristobal, NM 87564

Bureau of Land Management
435 Montano Road NE
Albuquerque, NM 87107

RECEIVED
BLM

January 20, 1989

39 JAN 25 P 4: 14

Dear Mr. Robert Dale:

010 ALBUQUERQUE, N.M.

I'd like to raise some issues where unnecessary and undue degradation will occur if the proposed tailings site is permitted that the Draft EIS does not adequately address.

The first is regarding distribution of wind-borne tailings and toxic dust. On page 2-5 of the Draft EIS is the graph of wind effects from only one monitoring site. The folks in Colorado who did this study did not use a site specific model that took into account the exact Guadalupe saddle topography. Because there was no plotting of wind eddies, the study does not say with any precision where the airborne dust will go. Perhaps a good deal of it will fall into the Rio Grande, thereby polluting a wild and Scenic River and the poisons in that dust will enter the food chain ~~into~~ through the fish.

Another issue is one of your own, discussed on page 3-23 of the Draft EIS, and I quote: "There is concern for potential uptake of toxic elements from the tailings material into vegetation and the terrestrial food web. Toxic elements such as lead, selenium, and molybdenum would be present... Studies have been shown that vegetation grown on uranium tailings piles in New Mexico contains higher concentrations of selenium, arsenic, lead and copper than vegetation grown on adjacent rangeland. The uptake of contaminants by vegetation and the consumption of this vegetation by wildlife or livestock may be important within the food chain. If the soil cover over the reclaimed tailings piles is deep enough to prevent significant root penetration into the tailings, no contamination uptake should occur."

Molcorp proposes to put only one foot of topsoil over the tailings as an adequate cover, with no barrier-either clay or synthetic-between the topsoil and the tailings. As a former landscaper I know that one foot of topsoil is going to settle. The grasses and shrubs that presently grow in the grassland area of the proposed site will most likely be the type that will be reseeded as the plant cover to reclaim the site. And if other species are used, the native grasses and shrubs will move in. These include Blue Gramma, with roots up to 20", Western wheatgrass and Indian Ricegrass, whose root systems are 1 to 2 feet deep, Big Sagebrush, with a root penetration of 3 to 6 feet, Rabbitbrush, with a root system of 3 1/2 to 6 feet, and Broom Snake-weed, whose roots go 2 to 5 feet into the earth. Obviously, given the root systems of these drought-resistant native species, one foot of topsoil is totally inadequate and toxic metal uptake will occur.

Also, as your department mentioned on page 3-24, and I quote: "Another concern is the contamination of small animals or other

20-1

The ISC model used is an EPA-approved method for determining air quality impacts and is the recommended model for addressing fugitive dust impacts such as the proposed tailings disposal area. Conditions were simulated using this model and meteorological data collected at the tailings site. The terrain surrounding the Guadalupe site does have an important effect as described by the comment. However, this terrain would actually serve to break wind velocities and reduce the amount of particulate matter that would actually be eroded from the new tailings. This effect would be most pronounced early in the project life and gradually diminish as the tailings level rises over time.

20-2

Molcorp has committed to application of a minimum of 1 foot of topsoil; however, the final reclamation plan may require a greater depth of topsoil if it is determined that additional soil is needed to prevent detrimental uptake of potentially toxic material. See the mitigation measures required for vegetation (Section 1.5).

Concerning potential uptake of heavy metals into plants growing on reclaimed areas or into animals through digestion of those plants, several statements are appropriate. First, potential uptake from reclaimed tailings is a concern shared by Molcorp, the New Mexico Environmental Improvement Division (EID), the U.S. Fish and Wildlife Service, and the U.S. Department of Agriculture, Soil Conservation Service (SCS). Studies are currently underway by the SCS Plant Materials Center in Los Lunas to test plants growing on and adjacent to existing Molcorp tailings (which are essentially the same tailings that would be contained in the proposed tailings pond) for a set of elements deemed significant by these agencies. These elements include copper, zinc, molybdenum, selenium, arsenic, lead, chromium, nickel, silver, and perhaps others as well. Threshold levels for safe consumption are also being determined by these agencies, and will be decided in the near future. Results of these studies will be available for public review upon completion. Secondly, it is generally believed that heavy metal uptake will not be a problem because their levels in the tailings are not significantly high, and the tailings plant root zone chemistry is not acidic and as such would not provide a chemical pathway for significant heavy metal solubility. In addition, large amounts of heavy metals would be necessary to produce a toxic response, although smaller animals with less body weight may be more susceptible. Finally, several potential mitigative measures are available to counteract potential molybdenosis including the distribution of copper sulfate blocks across the tailings area to provide needed copper which becomes deficient in grazing animals when molybdenum uptake exceeds normal levels.

20-1

2-27

20-2

20-3

Letter 20 Continued

Response to Letter 20 Continued

animals burrowing into the tailings material and in turn affecting other species." Since the report states that you don't have data on this subject, then you have no basis and no right to assume that one foot of topsoil will be adequate to eliminate the problem. Therefore, we are faced with animals possibly burrowing into tailings as well as eating the seeds and foliage of plants whose root systems will reach the tailings. What is to stop a bald eagle or peregrine falcon from eating these animals, perhaps to have the heavy metals reach toxic levels in their bodies? Indeed, what is to stop mule deer or elk from grazing, perhaps to be shot by a hunter and then these toxic chemicals enter human bodies?

20-3
Cont.

And finally there is the issue of noise pollution in connection with blasting and quarrying. The citizens of Questa and Cerro as well as the campers and hikers visiting the Wild and Scenic River area will be hearing lots of noise and having to watch lots of heavy equipment destroying their peace of mind during the entire quarrying and dam-building process, which will be going on for years. Also, the quarrying and dam-building will leave permanent scars on the Guadalupe saddle and Mountains. If this land is patented, Molcorp can begin their noisy destruction even if the mine never reopens or reopens only for a short time. We feel that this constitutes unnecessary and undue environmental degradation.

20-4

The questions are obvious: will there be a site specific model developed and monitored for air flow in the Guadalupe saddle? How can Molcorp claim that no contamination uptake will occur if only one foot of topsoil is used to reclaim the tailings dump, when anything they plant will eventually reach the tailings and begin to take up selenium, cadmium, lead and other toxic chemicals, which will then enter the food chain? How can this contamination of water, soil, plants, animals and humans not be seen as unnecessary and undue degradation?

Sincerely,

Cathy Hope

Cathy Hope

20-3 See Response to Comment 20-2. In addition, required mitigation measures in the Draft and Final EIS specify that Molycorp develop a site-specific revegetation plan for the Guadalupe site prior to site closure and that the plan ensure that there would be no detrimental uptake of potentially toxic material through the food chain.

20-4 This issue was analyzed in Section 3.11 of the Draft EIS. Please refer to pages 3-32 and 3-33 for the results of the analysis, which do not support the assertions of this comment. In summary, worst-case construction noise is projected at less than 46 dBA at Sheep Crossing Campground which would not disrupt normal conversation at 20 feet. Blasting noise was analyzed by NMEID in 1982 and projected to be below ambient levels at the campground.

Letter 21

Response to Letter 21

RECEIVED
BLM

954 Santo Nino Place
Santa Fe., NM 87501
January 24, 1989

09 JAN 26 P 1:19

010 ALBUQUERQUE, N.M.

Mr Robert Dale
District Manager
Albuquerque District Office
435 Montana Road
Albuquerque, N. M. 87107.

re: DEIS. Molycorp Guadalupe Mountain Tailings
Disposal Facility.

Dear Mr Dale,

My congratulations on the fact that you have submitted for comment a DEIS on the proposed Tailings Disposal Facility for Molycorp Inc. As you recall, a very few years ago there was some question as to whether a DEIS was required at all.

I must express my bitter disappointment and protest on your failure to consider ALTERNATIVES to the Molycorp proposal, which was the very core of the environmentalist request for a DEIS in the first place. It would appear from your DEIS that you are simply responding to, and agreeing with, the Molycorp proposals.

You know, better than I do, that there are many alternatives to a pond on the saddle of Guadalupe Mountain. In fact as I recall Molycorp in the past considered a dozen or more alternatives, and for economic reasons only chose the Guadalupe location. In accord with FLMPPA I suggest that you are responsible for consideration of such alternatives.

It is apparent, also, that you are caught in a PR bind by the efforts of Molycorp to force an early decision. The press and DEIS have in no way reflected that the current tailings ponds can sustain many (8 to 12) years of operation, and therefore the BLM has time to consider alternatives without any impact on the mining operation. A Public Information effort to point out that an immediate decision is not required appears indicated.

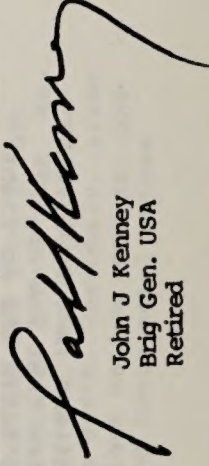
It also is important to consider in the revised DEIS-some more depth in your evaluation of the probable violations of State and Federal Air Quality Standards in the current site and the proposed Guadalupe Mountain site.

I am sure that a reasonable solution to the apparent split between concerned citizens who want to 'do it right' and those desirous of 'immediate' economic growth in the Questa area can be achieved; however I suggest that an one sided DEIS without alternatives is not the way to achieve that objective.

Very truly yours,

cy: Mr Larry Woodard
State Director
BLM.

John J Kenney
Brig Gen. USA
Retired



21-1

As addressed further in Section 1.4 of this Final EIS, early in the EIS process it was determined that 43 CFR Part 3809 (Surface Mining of Public Lands Under U.S. Mining Laws) regulations did not require an alternatives analysis. The rationale for this determination follows. The lands that would be directly affected by the proposed action are public lands administered by the BLM. These lands are covered by 266 unpatented mill site claims. In the case of mineral development projects on public lands, "need" is established by virtue of the fact that the mining laws allow the filing of mining claims on vacant, unappropriated lands. United States mining laws, and the regulations by which they are enforced, recognize the statutory right of the mining claim holders to develop Federal mineral resources so long as undue and unnecessary environmental degradation is not incurred. Further, such development is encouraged and is consistent with the Mining and Mineral Policy Act of 1970 and the Federal Land Policy and Management Act of 1976.

The No Action Alternative was initially considered. The purpose of this alternative is to analyze impacts that would occur if the Proposed Action or any considered alternative were not implemented. Under the No Action Alternative the BLM would not approve the pending Plan of Operations and would not request any modification of the Plan of Operations. This would preclude Molycorp from developing the proposed project. However, the General Mining Law of 1872 gives the claimant the right to pursue operations on Federally managed lands as long as it does not cause undue or unnecessary degradation of Federal lands (43 CFR 3809.0-6).

Furthermore, the statutes and regulations limit BLM's review of, or selection of, alternatives to those which minimize undue or unnecessary degradation of the claimant's site. BLM does not have authority to require an action to be moved to another site simply because another site might have different environmental impacts as long as the impacts at the proposed site do not constitute unnecessary and undue degradation.

See also Response to Comment 2-2.

21-2

Your concerns regarding predicted violations of air quality standards are addressed in Response to Comment 48-6. Refer also to Section 1.5 for a description of the final mitigation measures which includes installation of equipment to measure total suspended particulate (TSP) downwind of the proposed tailings disposal facility.

21-3

21-1

21-2

21-3

RedRiver

CHAMBER OF COMMERCE

NEW MEXICO USA

(505) 754-2366 / BOX 868 / RED RIVER, NM 87558

RECEIVED
BLM
January 25, 1989

39 JAN 26 P 1: 16

010 ALBUQUERQUE, N.M.

Robert T. Dale
BLM
435 Montano N.E.
Albuquerque, NM 87107

Dear Sir:

The Environmental Impact Statement for the Guadalupe Mountain Tailings Project indicates that the environment will be only minimally affected by the proposed Molycorp, Inc. tailings dam.

In view of this information, I strongly support the company's efforts to build their dam, resume their operations, and again provide jobs which are so badly needed in this area. The company has demonstrated that they do care about the environment and the communities which will be affected. Your favorable consideration in this matter will be appreciated.

Sincerely,

Gail J. Cisneros

RED RIVER CHAMBER OF COMMERCE
Executive Director
Gail J. Cisneros

Letter 22 Thank you for your letter.

Letter 23

Response to Letter 23

Ms Joan Ambre

BLM. BRANCH OF PERSONAL SERVICES
18th + C STREETS N.W.
WASH, DC. 20240

Michael V. McArthur
P.O.B. 498
QUESTA, NM. 87556

Dear Ms Ambre,

As a BLM. volunteer, I am writing to you to let you know of the destruction that MolyCorp is doing in northern New Mexico. They have already ruined the Questa area with their tailings pond, when the wind whips up and all the tailings start blowing around and your nose starts bleeding you realize the damage.

2-31

They have already ruined the Red River, its poisoned it a writeoff. The color of the river is a weird blue, there is no fish using the river, I think they use about a mile of it where it meets the Rio Grande. They have to stock it with fish. Then the people eat the fish from a poisoned river.

The Gadsden Mountains are part of the Wild Rivers Senic Recreation Area. A National Treasure. La Junta point is one of the most precious and beautiful areas outside of the Grand Canyon I've seen. Don't ruin these Mountains because of MolyCorp's greed. MolyCorp is known around here for their greed in acquiring land, they beg borrow or steal it, there's been claim-jumping committed by them. Now it appears they want the best part of the Recreation Area.

We walked thru their old tailings pond and its empty. Probably evaporated, They have at least 19 to 10 years worth of storage space for the tailings, right now.

23-1

See Responses to Comments 2-2 and 28-1.

-1

Just June 17 18+14 we had a celebration at the Wild River Recreation Area. I volunteered there for 4 days, I saw some magic, the animals will not go away. The Rio Grande certainly is not going anywhere, but it can't defend itself from self destructive greedmongers who would start World War III for the business.

I was going to be the Caretaker for the La Junta Visitors station these last 2 years but somebody always beats me to it! This year I chose another house with galages and privacy. I have just begun to explore the Guadalupe Canyon its fascinating. Don't let MolyCorp. steal this National treasure and turn it into a cesspool. Solution you say....

Let them use up the space in current tailings pond, then let them dump it on their own properties, of which there is much, at or behind the mining site. If not, the Rio Grande will become as dead as the Red River, from Questa to the Border.

Above all, come out here and see what were talking about, it took an act of Congress to preserve this area, it should take an act of Congress to destroy it! You can't understand this argument unless you visit the Wild River Recreation Area. Please come see what they'd be destroying, and then vote for the environment & people & animals.
More later, as situations develop.

Sincerely,

Michael V. McGucke

Letter 24

Response to Letter 24

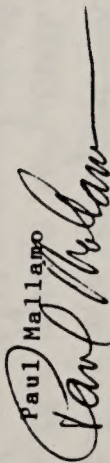
1-21-89

RE: GUADALUPE MOUNTAIN TAILINGS POND

24-1 Please ensure that final EIS includes analysis of alternatives to above. WE have too much at stake here.

Thank you,

Paul Mallamo



24-1

See Section 1.4, Consideration of Alternatives, and Response to Comment 21-1.

Letter 25

Response to Letter 25

Jan 23 '89

RECEIVED
BLM

P 89 JAN 23 3:03

ALBUQUERQUE, N.M.

Moly Core

Tailings pond

(dangerous-
ly
toxic!)

Thankyou
Barbara DeGen
Georgia Cerdas
Michael Timber

Box 164
San Cristobal
NM 87564

Letter 25 Thank you for your letter.

Letter 26

Response to Letter 26



TOWN OF RED RIVER

BOX 1020 RED RIVER, NEW MEXICO 87558
TELEPHONE (505) 754-2277

39 JAN 30 P 3: 27

010 ALBUQUERQUE, N.M.

January 19, 1989

Robert T. Dale
Bureau of Land Management
Albuquerque District Office
435 Montana NE
Albuquerque, N.M. 87107

Dear Mr. Dale:

The Town Council of Red River, New Mexico has requested that this letter be sent to your office in regards to the Guadalupe Mountain Tailings Project proposed by Molycorp, Inc.

Please be advised that the Town of Red River is in support of this site, and feels that all safeguards will be met to protect the environment by Molycorp, Inc. The Town supports the company's efforts to build the dam, resume operations and provide jobs in this area.

We appreciate your favorable consideration in this matter.

Sincerely,

TOWN OF RED RIVER

Harold Young
Harold Young
Mayor
HY:mb

cc: Molycorp, Inc.
Questa, N.M.

Letter 26

Thank you for your letter.

Charles and Susan Myers
P.O. Box 3142
Taos, New Mexico 87571

January 23th, 1989

Re: Proposed MolyCorp Guadalupe Mountain Tailings Disposal Facility

Because we live 11 miles due southwest of the proposed tailings site, we feel it is our duty to comment on the Draft Environmental Impact Statement. As the DEIS states, the proposed Guadalupe Mountain Facility involves an "irreversible and irretrievable commitment of resources" (pg. 3-44), especially important in light of the 1,230 acres of public land involved. Our reading of the DEIS leads us to believe that it is full of conclusions based on incomplete information and/or a one sided point of view. Also, absolutely no alternatives were included in the text. Given the major impact the proposal will have on the natural environment, it is interesting that no alternatives were even mentioned.

The DEIS claims that its purpose is to comply to the National Environmental Policy Act (NEPA) in order "to determine if the proposed project would result in any unnecessary or undue degradation" (pg. 1-17) to the local environment. Being that the proposed facility is "adjacent to and nearly surrounded by the Wild Rivers Recreation Area SMA" (pg. 3-27), that "Guadalupe Mountain and associated areas... support a broad diversity of both migrant and nesting bird species" with "133 avian species" recorded (pg. 2-25), that 825 acres of vegetation, 717.75 of which are forested, would be permanently disturbed (pg. ix), and that the town of Questa and the Red River, neither more than two miles away from the proposed site, have both already suffered negative environmental consequences from the existing, very similar tailings ponds, it is impossible to not see that a project of this scope and size would have an adverse effect, both unnecessary and undue, to the local environment. Indeed, the only observable motivations for this project are the arguable benefits to the Town of Questa and County of Taos of increased employment in the area and the inarguable benefit of corporate profit to Unocal-MolyCorp due to the fact that this is the cheapest possible route towards re-opening their mine.

As we know, nobody gets anything for free. In this case, it is the public and nature that pay the price. The public loses in many

27-1 See Section 1.4, Consideration of Alternatives, and Response to Comment 21-1.

-2-

MYERS

ways. Local air quality will be compromised, to what degree it is uncertain given the incomplete and confusingly presented information of the DEIS. Guadalupe Mountain "lies within the confluence of the Rio Grande and Red River" (pg. 2-7); "Pumping tests confirmed that the volcanic rocks beneath Guadalupe Mountain are capable of transmitting large volumes of groundwater." (pg. 3-9) Despite the fact that "Some downward seepage of the tailings solution is expected to occur through the permeable underlying rhyolacite and basalt" (pg. 3-14) and that andesitic rock structures under Guadalupe Mountain are "highly fractured in all directions" with unknown permeability (pg. 2-8), the DEIS firmly claims that "Groundwater quality in this area, including water from the BLM visitor center well and wells serving the towns of Questa and Cerro, would not be significantly impacted." (pg. 3-14) Who defines what is significant in this case, when so many variables remain unknown? Visual effect is written off "because of the visual strength of the existing tailings facilities and other human activities" (pg. 3-31); in other words, since the writers of the DEIS do not own property within sight of the slurry pond, what's one more pond anyway? Also, despite all the expensive efforts of the BLM in the summer of 1988 to promote the Rio Grande Wild and Scenic River, it is clear that the BLM is willing to trade off the possibility of drawing increased tourism to the area by giving away a very visible landmark to one profit oriented corporation.

We could go on about the "eleven archaeological sites... located within the Guadalupe Mountain basin (that) are considered eligible for nomination to the National Register of Historical Places" (pg. 3-35), the "verified nesting species on the site (which) include the great-horned owl, saw-whet owl, red-tailed hawk, and American kestrel" (pg. 2-25), or the "loss of ... habitat (that) would adversely affect the local mule deer population" (pg. 3-21), just to mention a few of the local situations that will be severely impacted by this proposed tailings disposal facility. The MolyCorp mine, which in the past abruptly laid off many workers and has created immense physical scars on the Sangre de Cristo Range, should not be able to claim yet another 1,230 acres of public land. The expenses to both people and nature, water and air, are just too high. That the BLM has already

27-2

The New Mexico State Water Quality Standards, enforced by the New Mexico Environmental Improvement Division, establish the measure of significance relative to groundwater quality in the Guadalupe Mountain area. Numerous studies conducted over approximately a five-year period have continually reached the conclusion that the quality of groundwater flowing under the proposed tailings pond site would meet the State Water Quality Standards.

Chemical constituents that leach from the proposed pond would move downward approximately 750 feet before entering the groundwater system. During this downward travel, metals would be almost completely attenuated. For example, after 30 years of pond operations, lead and molybdenum would have peak concentrations in the range of 10^{-6} parts per million just prior to reaching the water table. This concentration is almost four magnitudes less than that allowed by State standards.

The most recent study of potential water quality impacts was completed after the Draft EIS was published. This recent study concluded that nonmetals would be dispersed by mechanical mixing and dilution from the high volume of groundwater underflow such that no State water quality standards would be violated downgradient of the MolyCorp site.

-3-

MYERS

given its tacit approval to this project is just one more stain on the already tarnished image the BLM has in this management area. We proudly enter our names with the many others who oppose this project on the grounds that it is not in the best interests of our area, now or in the future. Cheap promises of possible increases in employment in the unknown future do not make up for the long-term, virtually permanent loss of land and resources. Finally, the pressing questions of potential harm to human health remain partially and unsatisfactorily answered. Sane people do not take unnecessary risks with the lives of themselves and their children.

January 27th, 1989

Now that the public meetings have come and gone, I'd like to add a few more comments for the record.

At the Questa meeting, proponents for the tailings disposal facility unanimously cited the jobs and economic impact that Molycorp represents to Taos County. None of them cited anything that dealt directly with what is stated in the DEIS, other than that they give it their unqualified support. A water analyst from Albuquerque claimed that "Molycorp is an angel compared to some of the outfits I see in Albuquerque." If this is a fact, then this individual should be further questioned by the proper authorities. Water quality is a major issue throughout New Mexico and is indeed a major factor in our concern with the Molycorp proposal.

Data concerning potential impact on water and air resources by the proposed facility do not reflect state of the art scientific research. Indeed, the sloppiness of the research is blatant; just look at Table 2-1 (Monthly Temperature Summaries For The Guadalupe Mountain Monitoring Site, pg. 2-2) and Figure 2-1 (Windrose For Molycorp Guadalupe Mountain Monitoring Site, pg. 2-5). The data represents only a nine month period and in no way can be deemed accurate enough to be useful in a study of meteorological conditions for the area. Molycorp is requesting title for publicly owned lands in order to permanently alter them and deposit heavy metal wastes on them. The Federal Government must weigh heavily the consequences of this "irreversible and ir retrievable commitment of resources"; it cannot just rubberstamp Molycorp's request due to information gathered over a nine month period.

27-3

The meteorological data used for the air quality modeling were from eight months of on-site monitoring. This was the entire period of record available. However, these eight months included the springtime high wind period which is the expected worst-case scenario for the area. As such, the lack of a full 12-month monitoring study does not jeopardize conclusions reached in the Draft EIS.

27-3

27-4 Why didn't 3.12 Cultural Resources even mention the Hispanic people of Cerro and Questa and their hundreds of years of living in the neighborhood of Guadalupe Mountain? Many traditions exist among these people concerning the area in question. Once again, the Coloradoan preparers of the DEIS show severe weakness in their research.

27-5 Why does the personal testimony of people in the area of the existing tailings ponds contradict the reassurances of MolyCorp as to the amount of particulate matter that blows off of the ponds? Why does 3.14 Health Risk Assessment read like a rubberstamp of MolyCorp positions and information rather than a truly in depth study of the seriousness of heavy metal poisoning? In Table 3-10 (Comparative Trace Metal Concentrations, pg. 3-39), why are "soils of western United States" cited when it is a specific soil in a specific location that is in question? Has any research been done on the "chemical surfactant or bonding agent applied to areas of dried tailings to reduce wind blown dust"? (pg. 3-41) If so, why isn't this information included in the DEIS?

27-6 Pg. 3-44: "During periods of high winds, there is a potential for concentrations of TSP to infrequently exceed State of New Mexico short-term standards in the immediate vicinity of the tailings pond when dry. These impacts would be considered a nuisance rather than a public health hazard." No facts are stated to back up the assertion of this paragraph. Living 11 miles due southwest of the proposed facility, we know that high winds are common in this area, especially in the springtime. Given the toxic nature of heavy metal poisoning, wouldn't the consequences warrant a long term study as opposed to a brief consideration?

27-7 Hasn't MolyCorp been guilty of toxic waste spills a number of times in the past two decades? Doesn't their rather shoddy record on the environment need to be dealt with before the BLM considers granting nearly two square miles of public land to MolyCorp? WHO IS GOING TO MONITOR MOLYCORP IF IT DOES BUILD THE FACILITY? whose responsibility will it be if the health and environmental consequences turn out to prove the worst fears of the public?

DO NOT approve this land transfer to MolyCorp.

Charles Myers
Sara Myers

27-4 Concerns identified during the EIS scoping process did not include local Hispanic traditions, therefore, these were not addressed. There is no indication that the proposed project would adversely affect the identified traditional uses.

27-5 Total suspended particulate (TSP) is measured at Questa High School by an EPA-approved high volume air sampler operated by the New Mexico Environmental Improvement Division. The sampler has been in operation over a 10-year period.

27-6 The health risk assessment is an accurate assessment of the potential health hazards of the proposed project. It shows that although toxic materials are present, exposure levels to the public are far below those associated with health problems. Additional elaboration would not change this. It is standard practice to use "soils of the Western United States" as a basis for comparison in this area. Calculations of potential exposures would be very little affected by lower or higher trace contents in local soils.

27-7 The chemical surfactant (76 RES 661) specified for use as a bonding agent (to minimize wind-blown tailing dust concerns) consists of (by weight) 45 percent water, 52 percent vinyl acrylic polymer, and 3 percent emulsifiers. A minor component (<0.5 percent by weight) is vinyl acetate which is subject to Superfund Amendments and Reauthorization Act (SARA) 313 and 40 CFR 372 reporting requirements (right-to-know legislation governing health and safety in the workplace, employee exposure, public emergency response guidelines, etc.). The substance is not regulated by the Department of Transportation as hazardous. This type of dust suppressant has proven to be an environmentally sound and effective product in similar applications. See Response to Comment 21-3.

27-8 See Responses to Comments 16-1 and 17-4.

27-9 MolyCorp's discharges into the Red River are regulated under a National Pollutant Discharge Elimination System (NPDES) permit issued by the Environmental Protection Agency (EPA). Any accidental spill into the river is considered an unpermitted discharge, and as such must be reported to the EPA. See Response to Comment 63-2 regarding improvements to MolyCorp's existing pipeline system. See Revised Table 1-4 in Section 3.2 for a list of major permits and regulatory agencies that would be required for implementation of the proposed project. Response to Comment 1-2 identifies the locations of proposed monitoring sites.

Letter 28

Response to Letter 28

Box 1165
Taos, NM 87571
BLM 505-758-9070

Jan. 30, 1989

09 JAN 31 P 4: 10

Mr. Robert T. Dale
BLM
435 Montano NE
Albuquerque, NM 87107

010 ALBUQUERQUE, N.M.

Dear Mr. Dale:

I have followed with interest and concern the proposal of the Moly Mine in Questa to build a new tailings pond at the Guadalupe Mountain site. I have written letters before on the matter, and attended the hearing in Taos on January 21, 1989 at the Ramada Inn.

I am not a resident of Questa, but I have lived in Taos for 20 years. Too, because I am an avid fisherman, and because the Big Arsenic/Bear Crossing/Chiflo section of the river is my favorite, I have probably put in as many person/use hours on the Questa/Cerro section of the Wild and Scenic River as anyone in this county during the past 20 years. I have also written about that area often, and am including, in this letter a 30 page section on the Rio Grande from my book THE LAST BEAUTIFUL DAYS OF AUTUMN, along with a handful of photographs of the river from that book.

I will not go deeply into the specific shortfalls of the Dec. 1988 Draft Environmental Impact Statement about the Tailings Disposal Facility, because I think numerous people have already dealt with the insufficiencies of the study. I think many people have already pointed out that the tailings site will cause unnecessary and undue damage not only to the Guadalupe Mountain area, to the groundwater beneath that area, to the Arsenic Springs and the lower Red River (through the leaching process), but also to the Wild and Scenic River Section beside the proposed tailings site. I.E. it seems obvious that the tailings site would violate the 1968 Wild and Scenic Rivers Act by causing depredation to the "immediate environment" of the river, which, as I understand it, is supposed to be maintained in a "pristine condition" according to the act.

I imagine that as citizens, we, the residents of the county, would be justified in filing some sort of class action suit, stating that there is a distinct conflict between the 1872 mining law, and the Wild and Scenic Rivers Act.

It would seem important that the BLM recognize the fact that the Wild and Scenic Rivers Act was passed as a desperate attempt by Congress to halt the degradation of our last remaining sections of wilderness, not just in terms of striving to create ecological balances somewhere in this age of ultra-pollution,

28-1

In reference to the Wild and Scenic Rivers Act (P.L. 90-542), it is important to review the entire act and supporting documents in context. The general language of the policy declaration (Section I, Subsection b) referring to protection of "certain selected rivers... with their immediate environments" is clarified by Congress later in the Act. (Section 2, Subsection b) required establishment of detailed boundaries for each designated component of the national wild and scenic rivers systems and specifically limited these boundaries to "an average of not more than three hundred twenty acres per mile on both sides of the river", or a 1/2-mile wide strip of land straddling the river. There is nothing in the Act to suggest that Congress had any intent to restrict development beyond the detailed boundaries of designation as long as public use and enjoyment of specific values are not interfered with. The designated "immediate environment" of the Rio Grande Wild and Scenic River is delineated in Appendix A and on Map 2 of the Final Rio Grande Wild and Scenic River Recreation Area Management Plan (BLM 1984). It includes a strip of land up to 1.5 miles wide along the river near Guadalupe Mountain, but it does not include most of the Wild Rivers Recreation Area or any of the Guadalupe Mountain ACEC. At the nearest point, it is more than 1 mile from the land proposed for the Molycorp Tailings Disposal Facility.

This is in no way meant to argue that proximity to the Wild and Scenic Rio Grande is not a consideration in reviewing the proposed project because the Draft EIS, in fact, gives deference to the river in both direct and indirect ways. The visual assessment is a specific example. If the river were not nearby and the intervening area were not a designated recreation area, the west face of Guadalupe Mountain would not warrant a VRM Class II rating. With a lower classification, the visual contrast standards would be less stringent and the project effects would be considered less significant.

The Draft EIS evaluated a broad spectrum of potential environmental effects, finding only visual and air quality effects potentially significant. Although these effects are important, neither would directly impact the wild and scenic river. Consequently, there has been no identified conflict with 1968 Wild and Scenic Rivers Act.

28-1

2.

28-1
Cont.

desecration of air, land, and water and so forth; but also in terms of trying to preserve in-tact at least a small portion of this once beautiful country in at least a semi-pristine condition for the benefit of the national culture, history, psyche, or--to be corny--the American "soul".

Increasingly, we are becoming aware, as a nation, that we have all but destroyed our wild heritage. We are also becoming aware as a nation that the few undestroyed areas left in this country are not only priceless in psychological and environmental terms, but increasingly they are becoming almost priceless as economic resources which are becoming increasingly valuable, in terms of tourism, hunting and fishing activities, protection of endangered species (and indeed all species), biological research and so forth. It is important to take this into account when weighing the well-being of the river (a potentially infinitely renewable resource, if taken care of properly) against the profits to be made off of mining molybdenum (a finite resource which everybody seems to agree will be exhausted in 20 to 40 years).

Obviously, it is a hardship for Taos County Residents, accustomed to salaries paid by the mine, not to have those salaries any longer. It seems very shortsighted, however, for the descendants of people who managed very well in this area, when they were self-sufficient, for over 300 years, to think that salaries and taxes from the mine offer much of a future for their children or grandchildren. Since once the deposits are played out (or the price of Molybdenum is cheapened by third-world mining, gluts, or the ascendancy of molybdenum as an offshoot of copper mining), the mine will simply pull up stakes, leaving the county high and dry, and also with one of its perpetually renewable resources degraded or destroyed from the mining operations.

In a world where the destruction of the planet has become endemic, the health of renewable resources like forests and clean rivers is going to become much more valuable than anyone at this point believes. Therefore it is important that the birthrite of this county, so much of it currently administered by the government, should not be destroyed in order to foster short-term gains.

This is not just a problem in Taos County. It is a problem world-wide. And it has become obvious that if industrialization destroys all rivers, forests, the air, the oceans, the fragile topsoil, the ozone, and so forth, that none of us will even be around in 40 years when the Molybdenum plays out. These are not the concerns of a "crank"; I read it every week in Time and Newsweek, in the Christain Science Monitor, in the concerns of New Mexicans over the WIPP site in Carlsbad, the proposed national garbage dump near Lordsburg, in the complaints of Peñasco Residents about proposed massive timber-cutting in their area, in the anger of Pilar Residents over excessive rafting on the Rio Grande, in the complaints of Cañon water users

3.

that developers in the Valle Escondido area of Taos Canyon are taking all their irrigation water for Golf Courses, in the desperate struggle of the Arroyo Hondo, Arroyo Seco, Valdez residents to stop the expansion of Taos Ski Valley which threatens their water supplies, their agricultural way of life and cultural ties, and so forth.

Although at the hearing Jan. 21, 1989, the majority of miners to testify were (understandably) very much in favor of the tailings pond (read: reopening the mine at whatever cost, although as I understand it Unocal has made no promise whatever to reopen, unless profit projections are favorable), traditionally, in this county, the indigenous population, which until recently was land-based and self-sufficient, has very much opposed development in the county which threatens land, air quality, water supplies. Why? Because their culture and history is strongly rooted in protection of the environment, in a life-style rooted in the careful exploitation of renewable resources, and not in the demolition of land, water, and air quality in order to enjoy short term profits. Witness the land grant movement initiated by Reies Tijerina in the mid-60s, add the constant local outcry against government policies which constantly legislate against the small-farmer/rancher of this area in favor of big logging or timbering concerns, tourist development geared toward outsiders rather than local participation, and so forth. Obviously, the government needs to try and adjust to the demands of indigenous populations, but not at the cost of destroying the true wealth of this county and its longtime indigenous cultures, which has always been the health of its natural resources.

The BLM should also keep in mind that whatever MolyCorp winds up doing is never really for the benefit of local residents, it is for the benefit of UNOCAL, an enormous outside corporation. It is an unhealthy situation, indeed, to have residents of Taos County so dependent on the whims of this enormous corporate entity, which has very little sentiment for the history and traditions of this county.

I have fished the Red River and the Rio Grande numerous times when tailings breaks from the mine have seriously discolored the water. I think there's really no argument that the mining activities cause depredations to the land and the water, putting toxic wastes everywhere, and that these have a profound effect on people. Too bad that the EIS did not do any long term studies on Questa residents. I was amused, I'll admit, when the Phoenix attorney, Roger Ferlan (?) stated, at the Jan. 21 meeting, that "tailings are not a toxic waste." I wanted to suggest, then, that he drink a glass of tailings taken from Turquoise Lake, just to prove it to us. And I thought: If tailings aren't toxic, how come the Moly Mine used to pay to put back fish in the river after bad tailings spills? How come the river has made such a comeback since the mine closed down? The

Letter 28 Continued

Response to Letter 28 Continued

4.

The Phoenix attorney further stated, in defense of MolyCorp, that "all soils have concentrations of toxic wastes, if a farmer uses pesticides and herbicides...nitrate fertilizers..." etc. It seems tragic to justify tailings toxicity by ~~balancing~~ balancing it against other practices which are today universally understood to be the practices which are destroying the earth.

At some point, private citizens, their elected representatives, and government agencies the world over are going to have to admit that most current practices of natural resource exploitation employed during the industrial operations of the latter half of the 20th Century must be seriously changed if the planet itself is to survive! This means changes in everything from factories that create acid rain, to population control, to changing from fossil fuels to renewable energy resources, and so forth. If we destroy the biological capital of the earth in order to live high on the hog for the short term, there'll be no future for our grandchildren.

Molybdenum mining in our country destroys a non-renewable resource, and jeopardizes a renewable resource--our air, our land, our water. The government is the caretaker of much of these resources in our country, and has an obligation to maintain those resources in a healthy condition, not just for the next ten or fifteen years, but for the entire foreseeable future. The Wild and Scenic Rivers Act was an attempt, by Congress, to legislate protection of our future. The BLM must recognize that fact.

Finally, it would seem, as many have said, that UNOCAL is holding a gun to the heads of the poor in Taos simply to gain its own corporate advantages. The company, the mine is up for sale, as I understand it, and access to new tailings capacity will enhance the selling price. Too, the mine seems intent on using the issue to drive down wages at the mine, negotiate lower rates with Kit Carson, and in general enhance its own profit profile at the expense of Taos Residents, and Taos's natural beauty.

In light of all this it seems preposterous that the Environmental Impact Statement was paid for by the MolyCorp, and that the firm doing the study was selected by MolyCorp. In most business environments this would be cause for cries of "conflict of interest" and "business collusion" of an illegal nature. It would seem important for the Government, at its own expense, to do a real EIS not colored by these conflicts. It certainly doesn't set my mind at ease that funds of an enormous multi-national corporation are paying for the study to decide if my environment will be damaged or not. I'd much rather have my tax dollars be employed to any study that deals with my future well-being, not UNOCAL's profits.

5.

I realize that this statement does not pick apart the EIS in a dry and factual manner. Nevertheless, I believe that the issues are clear, and that the Government owes its obligation in this case, not solely to the desires of a massive corporation, nor to the self-interests of the workers that that corporation hires on a local level, but to well-being of all residents, not just in this county, but in the entire nation, and to the environment in the locale under question not just as a small piece of New Mexico property, but as a vital link to all environment in this state, in this nation, in the world.

Remembering always these words of John Muir: "Whenever we try to pick out anything by itself, we find it connected to everything else in the universe."

Thank you for your patience.

Sincerely,

John Nichols

John Nichols

Letter 29

Response to Letter 29

Read at

Taos
public hearing
1/21/89

RECEIVED

39 JAN 31 1989
010 ALBUQUERQUE, N.M.
MY NAME IS Claire Cochran, my address is P.O. Box 360, Arroyo Hondo, NM. 87513. I am a member of Amigos Bravos and Earth First!

TO STATE REPEATEDLY THAT WILDLIFE WOULD NOT SUFFER DIRECT IMPACTS IN AVOIDING THE AREA DURING PROJECT CONSTRUCTION IS ABSURD, AND IRRESPONSIBLE. I FIND THE WHOLE DRAFT EIS IN REFERENCE TO THREATENED + ENDANGERED SPECIES TO BE INSENSITIVE AND I QUESTION COMPLIANCE WITH THE THREATENED AND ENDANGERED SPECIES ACT, AS WELL AS THE WILD AND SCENIC RIVERS ACT.

I HAVE GREAT CONCERN FOR TAILINGS SEE PAGE INTO BIG ARSENIC AND LITTLE ARSENIC SPRINGS ON THE RIO GRANDE, WHERE IT IS "WILD + SCENIC".

I ALSO QUESTION WHETHER THIS PROPOSAL IS TRULY NECESSARY AS I UNDERSTAND THERE TO BE 6-8 MORE YEARS OF STORAGE CAPACITY IN THE EXISTING TAILINGS PONDS AND THE MINE HAS BEEN SHUT DOWN FOR 2 YEARS.

NO WHERE IN THE DRAFT EIS IS MENTIONED CUMULATIVE IMPACTS, WHICH MUST BE ADDRESSED IN THE FINAL EIS.

I QUESTION THE METHODS USED BY MOLYCORP IN THE PAST REGARDING AIR POLLUTION FROM EXISTING TAILINGS DIRECTLY AFFECTING THE HEALTH OF QUESTA HIGH SCHOOL STUDENTS AND THE COMMUNITY.

IN A RECENT TIMES MAGAZINE, DEC. '88, "OUR ENDANGERED EARTH" WAS FINALLY FEATURED. IT IS THIS KIND OF PROJECT PROPOSED BY MOLYCORP WHICH ADDS TO THE TOTAL DESTRUCTION OF OUR PLANET. AFTER LOOKING THROUGH THE "SUMMARY OF IMPACTS" I FAIL TO UNDERSTAND HOW MOLYCORP CAN ENACT THIS PROJECT IN GOOD CONSCIOUS.

I UNDERSTAND HOPES OF PAST EMPLOYEES FOR THE OPPORTUNITY OF WORK. HOWEVER, IF DESTRUCTION OF EARTH CONTINUES, YOU WON'T BE LOOKING TO MOLYBDENUM TO EAT - YOU'LL BE LOOKING TO FOOD YOU MAY HAVE TO GROW YOURSELVES.

I STRONGLY SUGGEST RATHER THAN MINING MOLYBDENUM AND DESTROYING GROUND WATER, AIR AND

29-1

As discussed in Section 3.7.1 of the Draft EIS (which is related to impacts to wildlife as a direct result of construction), there would be limited direct mortality to larger or more mobile species, however there would be direct effects to small mammals, reptiles, and perhaps bird nestlings. In addition, there would be the more important (from a population perspective) indirect impacts of habitat loss and the concomitant reduction in wildlife populations associated with those habitats as discussed under Section 3.7.2 (operation). In addition, potential impacts to threatened or endangered species were analyzed in accordance with Section 7 of the Endangered Species Act of 1973, as amended. No significant impacts would be anticipated for these species due to the nature of the project and the infrequent use of the area by these species as determined by the U.S. Fish and Wildlife Service under the formal consultation process. The Biological Opinion issued by the U.S. Fish and Wildlife Service can be found in Appendix C of the Draft EIS.

29-2

Groundwater flowing under the proposed tailings pond site does eventually, at least in part, discharge into the Big Arsenic Springs Complex. However, any chemical constituents leaching from the proposed pond into the groundwater system must first travel downward through almost 750 feet of soil and rocks. In the process, metals would be virtually isolated in the thick unsaturated zone. Nonmetals would be dispersed by dilution and mixing within a very short groundwater flow distance. As a result, no New Mexico State Water Quality Standards would be exceeded, even within short distances of the proposed site. The ambient water quality of Big and Little Arsenic Springs would not exceed state water quality standards.

See Response to Comment 2-2.

29-3

No interrelated projects were identified during preparation of the Draft EIS that would result in cumulative impacts. The areas that would be of most concern from a cumulative impacts viewpoint would be air quality and groundwater. See Response to Comment 48-5 for discussion addressing cumulative air quality concerns.

29-4

To address the question of whether there may be a cumulative impact to groundwater from the proposed and existing tailings ponds, the interrelation of the groundwater flow systems in the two areas was examined. As stated on page 2-12 of the Draft EIS, the groundwater flow direction under Guadalupe Mountain is south-southwest toward Big Arsenic Springs (see Figure 1-1) and into the Rio Grande River. As numerous studies have indicated, no exceedances of state surface or groundwater quality standards are anticipated from the proposed tailings pond. Groundwater beneath the existing tailings ponds, that could be affected by previous operations, flows south-southwest and empties into the Red River. Groundwater beneath the existing ponds does not flow up hill and cross-gradient to Guadalupe Mountain. Since violations of state water quality standards are not expected from the proposed tailings facility and the groundwater flow systems between the existing and proposed ponds do not mix, no additive (cumulative) impacts are anticipated.

TOPSOIL, AND WILDLIFE FOR A MINIMAL IMPACT OF 1% ECONOMIC IMPROVEMENT. THAT TAOS COUNTY TURN TO SUSTAINABLE, NATIVE AGRICULTURE AND PRODUCE ORGANIC SEED TO FILL NEEDS ALL OVER THE WORLD. THIS IS AN EQUITABLE, PRACTICAL, AND ECONOMICALLY SOUND IDEA.

THERE WILL BE UNDUE AND UNNECESSARY DEGRADATION IF THIS PROJECT IS ALLOWED.

I STAND FOR GUADALUPE MOUNTAIN TO REMAIN UNTOUCHED, SACRED, AND WILD.

SINCERELY FOR WILDLIFE,

Clare Cochran

CLARE COCHRAN

PO. 360

ARROYO MONDO, NM 87513

Letter 30

Response to Letter 30

Stephen M. Salandre
General Delivery
Taos, NM 87571
Ph. (505) 758-4539

RECEIVED
January 26, 1989

Robert T. Dale c/o
Bureau of Land Management
435 Montano Rd.
Albuquerque, NM 87107

JAN 31 P 3: 03

010 ALBUQUERQUE, N.M.

Dear Mr. Dale:

I am a disabled independent inventor. I worked underground, for several months, in 1975; at the Kerr McGee section 19 uranium mine, near Grants, NM.

As pertaining to the Moly Corp tailing pond dilemma, I would propose that the waste, (tailings) could be recycled after ore extraction, into a valuable asset, rather than a liability.

Since these tailings, are neither toxic, nor radioactive; a vast percentage, could be screened out, and pressed into rammed-earth building blocks, using existing technology. (High-tech adobes.)

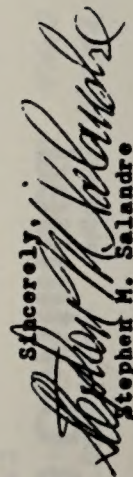
I saw a hydraulic adobe press of this type, at the NM State Fair, in 1986. The durability of these blocks, can be further improved, by polymer stabilization, prior to being pressed, or after pressing, by being sprayed, with a polymer sealant.

The remaining debris, (rocks etc.) which are screened out, during the production of adobe blocks; should be carefully examined, for any potential uses, in the gravel products industry.

Even if unusable, these rock particles, would not be nearly as detrimental to the environment, as the dirt, sand, and clay; which is incapable of sustaining vegetation.

Besides converting waste materials, into saleable secondary products; this plan would create desperately-needed-jobs, in addition to those which would be reinstated, with the resumption of mining operations. (The official unemployment rate of 19% is actually closer to 30%)

A mine tailing reclamation project, such as this; would likely be eligible for Federal funding, in the form of grant money, from either the BLM, or the EPA, or both.

Sincerely,

Stephen M. Salandre

30-1 Thank you for your letter.

30-1

Letter 31

Response to Letter 31

2656 Parkview
San Angelo, TX 76904

January 28, 1989

Robert T. Dale
Bureau of Land Management
Albuquerque District Office
435 Montana N.E.
Albuquerque, NM 87107

Subj: Comment on Molycorp Guadalupe Mountain EIS

Dear Mr. Dale:

As owners of a 40-acre parcel of land at Sunshine Valley, located about seven short miles from the proposed Molycorp tailings dump, we are writing to protest the plans for that facility. We have reviewed the draft environmental impact statement and find it totally unacceptable.

If this dumpsite is allowed it will create a visual eyesore which will render our land unusable for our planned retirement cottage. Our family has owned this land for almost two decades and watched it appreciate in value; Molycorp's action would wipe out those gains and cost us a lot of money if we should decide to sell it.

Not only would the tailings dumpground have a severe visual impact, it would be a perpetual source of blowing dust over our land anytime the wind should be from the south. This would be a nuisance and a health hazard.

Tourism is the major industry in the Taos area now and will continue to grow as long as the natural beauty of the area is maintained. If one were to sit down and compile a list of ways to destroy the tourist industry in this area, the proposed dumpsite would top that list.

We urge you to disapprove Molycorp's plan.

Sincerely,

Charles A. Adkisson

Charles A. Adkisson

Margaret Messinger

Margaret Messinger

Ann Lackey

Ann Lackey

RECEIVED
BLM

33 FEB 2 P 1:10

ALBUQUERQUE, N.M.

31-1

Although it is impossible to provide a definitive response without knowing more specifically where the commenter's property is located, the dams would be largely, if not completely, screened from view at Sunshine by North Guadalupe Mountain. Screening effects would vary at other points in Sunshine Valley.

Visible emissions are addressed in Response to Comment 16-1.

No health problems have been identified that would result from implementation of the proposed project.

Letter 32

Response to Letter 32



DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT CORPS OF ENGINEERS
P. O. BOX 1580
ALBUQUERQUE, NEW MEXICO 87103-1580

REPLY TO
ATTENTION OF

January 27, 1989

09 FEB 2 P 1: 57

Construction-Operations Division
Regulatory Branch

610 ALBUQUERQUE, N.M.

Mr. Robert Dale, District Manager
Albuquerque District Office
Bureau of Land Management
435 Montano Road, NE
Albuquerque, New Mexico 87107

Dear Mr. Dale:

Reference is made to the Draft Environmental Impact Statement (DEIS) dated December 1988 for the MolyCorp Guadalupe Mountain Tailings Disposal Facility to be constructed in the saddle of Guadalupe Mountain near Questa, Taos County, New Mexico. The project, as pictorially described in Figure 1-5 on page 1-9 of the DEIS, indicates that over two and one-half miles of mountain streams will be completely filled in by construction of the two dams and disposal material. The DEIS does not describe these streams, lakes, or wetlands within the project area; therefore, we are unable to determine an acreage of loss of waters of the United States that will result from the proposed project.

Regulations pursuant to Section 404 of the Clean Water Act (33 CFR 330.5(a)(26)) describe a nationwide permit for discharges of dredged or fill materials into certain waters that are located in closed basins or above the headwaters of waters of the United States. A summary of the provisions of this permit is enclosed for your information.

The described project site is located above the headwaters. Your project can be constructed provided it does not result in the loss or substantial adverse modification of more than one acre of waters of the United States, including wetlands. The officer responsible for the project must insure compliance with all conditions of the permit.

A rough calculation of affected waters of the U.S., using an average stream width of 5 feet, shows that approximately 1.6 acres of waterway will be lost. For discharges which cause the loss or substantial adverse modification of one to ten acres of such waters, including wetlands, notification is required in accordance with the enclosed procedures. Discharges resulting in the loss or substantial adverse modification of more than ten acres of these waters will require an individual Section 404 permit.

32-1

In response to your concerns, Table 1-4 has been revised to include compliance with Section 404 regulations. See Section 3.2 of the Final EIS.

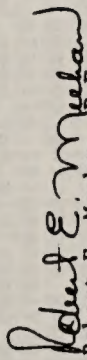
32-1

-2-

We recommend that impacts to waters of the United States, including wetlands, be discussed and evaluated in the environmental impact statement. Additionally, any Section 404 permit requirements should be described.

Should you have any questions regarding these regulations, please feel free to write or call Ms. Jean Manger or Mr. Andrew Rosenau at (505) 766-2776.

Sincerely,


Robert E. Meehan, P.E.
Chief, Construction-Operations Division

Enclosure

adobe whitewater club of new mexico

ALM

po box 926
albuquerque, nm 8710399 FEB 2 P 2:01
January 31, 1989.

Molycorp Draft EIS Team
c/o Robert T. Dale
Bureau of Land Management
Albuquerque District Office
435 Montana, NE
Albuquerque, NM 87107

Dear Sirs,

The Board of Directors of the Adobe Whitewater Club of New Mexico has followed with considerable interest the progress of the Molycorp application for a mill site claim in the Guadalupe Mountain area. The Club represents over 400 individual and family members, many of whom regularly use the area surrounding the proposed claim site. We are greatly concerned that Molycorp's operation might destroy the essential attributes of the claimed region, including its natural beauty, environmental resources, and rich cultural heritage. These attributes are recognized in the large tourist industry in this area, tourism presently being the number one industry in Taos County.

New Mexico should not sacrifice the long term, stable, and proven benefits of tourism in order to gain any short term benefits that might result from Molycorp's mining operations. Molycorp's historical "Boom and Bust" operations have not truly aided the communities in the region, and the past environmental effects of the mine and its tailing ponds have certainly not been beneficial either. Our membership has a vital and significant interest in protecting this area from any unnecessary degradation, both to preserve its value for our own use, and also to protect New Mexico's interests in attracting tourism to this region.

In reviewing the Draft EIS, we discovered that this document does not adequately address several important issues. Without them, one cannot make an informed judgement on the proposal's merits. The impact of the project is significant in several areas, and must not be dismissed without addressing the possible alternatives for the operation.

The first omission is in the documentation of need for the proposed site. While approval for a site might be prudently sought by Molycorp to allow sufficient time for the permitting process, no approval should be granted without the proof of need. Granting approval without verifying need would be outright negligence in the

33-1

33-1 See Response to Comment 2-2.

adobe whitewater club of new mexico

po box 926
albuquerque, nm 87103

stewardship of this land, and contrary to the purposeful intent of the law. It would without a doubt also be considered "unnecessary and undue degradation." Molycorp has stated they have 8 to 10 years of storage capacity remaining in their existing ponds. A 1975-6 study identified an additional 50 million tons of storage (equivalent to 8 years at full operating capacity).

One of the worst scenarios would see Molycorp receive this site and build the proposed tailings pond, only to find that because of low market prices they either never reopen or never outgrow their present tailing ponds. Not only would there then be no short-term economic benefits to the region, but they would lose the irretrievable value of the land, and its long-term economic, environmental, and cultural benefits. It would be wise to continue to resolve the other issues contingent on the the proof of need, since this allows all of the involved parties to arrive at the best possible solution.

A second serious omission is the failure to discuss alternative sites. Virtually no information on siting alternatives is provided in the Draft EIS to allow interested parties to make an informed judgement. With no comparisons, it is impossible to determine whether the impacts from this proposed site constitute "unnecessary and undue degradation." References to a dated 1976 study of alternative sites by Molycorp cannot be considered to adequately address this issue. Whether or not the BLM can make this analysis, the information must be provided (perhaps by Molycorp) in the EIS, for the public to review.

33-2

The third omission is the lack of discussion of alternatives within the site proposed. Are two dams necessary or can the pond be built on one side of the saddle, using only one? Are there possible alternative methods for disposing of tailings? Are the proposed methods the "best available technology" as required by law? Again, this information is necessary to make an informed decision, and its omission makes it impossible to make a judgement regarding "unnecessary and undue degradation." The question of whether the BLM should perform these studies should not prevent their discussion in the EIS, even if Molycorp or another party must provide the information for inclusion.

Our fourth concern is over the admitted "significant impacts" on air quality (page 2-4) of the proposed tailings pond. Windblown dust from the pond is projected to violate air quality standards. Visual impacts are said to be

33-3

for the love of rivers

33-2 See Section 1.4, Consideration of Alternatives, and Response to Comment 21-1.

33-3 Measures to mitigate potential impacts to air quality and visual resources are described in Section 1.5 of the Final EIS.

Letter 33 Continued

Response to Letter 33 Continued

adobe whitewater club of new mexico

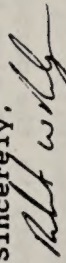
po box 926
albuquerque, nm 87103

significant. Hardly any alternatives are discussed that could reduce these effects. A detailed study should look at these and assess whether anything could alleviate these impacts.

Our fifth and final point involves the nearby section of the Rio Grande which has been given the protection of "Wild and Scenic" because of the special values it has for the public. One of the prime places to visit in this special area is the BLM Wild Rivers Recreation Area, where the visitor can look out over the river or hike down into the canyon. Yet the typical visitor to this area would have to pass by the proposed tailings pond such that he or she would be forced to view both dams and the associated operations before arriving at the Wild and Scenic River. Even at the rim of the canyon one of the dams may be in view. Consider also the impact of the noise, and very possibly dust from the tailings pond, if the wind is blowing to the Northwest (which is the second most common wind direction measured in this region). Such a visitor would be unlikely to make a return trip after such an experience, nor to recommend a trip to the same area to their friends.

Contrast this unappealing vision with the rich experience presently available. Is this what constitutes protection of a valuable Wild and Scenic River? If so, we may as well open a pit mine at the entrance to the Grand Canyon! The wording of the Wild and Scenic bill seems to cry out in its claim for no "unnecessary or undue degradation." Yet we find that the Environmental Impact Statement has been performed with an unseemly lack of care thoroughness such that admittedly detrimental impacts are glossed over with no solutions planned to mitigate the impacts, and the public is not even provided enough information to determine whether any other or better alternatives exist.

Sincerely,



Robert W. Robey, President
for
The Adobe Whitewater Club
of New Mexico

33-4

Please refer to the Responses to Comments 28-1, 20-4, and T-4 regarding your comments on Wild and Scenic River protection, noise, and blowing dust, respectively.

33-4

2-53

Letter 34

Response to Letter 34

RECEIVED
BLM

January 29, 1989 4:10

To: Robert T. Dale
Bureau of Land Management
Albuquerque Office
Albuquerque, NM 87107

010 ALBUQUERQUE, N.M.

From: Concerned Citizens of Questa

Regarding: Extension of comment period on Draft EIS MolyCorp
Guadalupe Mountain Tailings Disposal Facility by
sixty days.

Dear Sir,

Due to the increased public interest on the proposed Guadalupe tailings site we are requesting an extension of the comment period by sixty days. Given the significant public turn-out at the only public forums (held on January 20, and 21, 1989), and the lack of availability of EIS documents at the Taos BLM Office, did not allow for legitimate public input. These formal public hearings held in English did not meet the spanish-speaking need of the communities. At the time of the hearings the New Mexico Environmental Improvement Division had not submitted essential data concerning air and water quality impacts from the existing and proposed tailing sites.

Testimony given at these public hearings pointed out gross deficiencies and omissions in the draft EIS document. If citizens are to give valid public input, then accurate data and information are a prerequisite in making an informed decision. BLM has an obligation to citizens and taxpayers, especially those directly affected by BLM decisions, to provide ample opportunity to comment on the use of public lands. Without this much needed community dialogue, only emotional over-reactions are created. For the above reasons we request an extension of the comment period of at least 60 days if not longer.

We await your reply as soon as possible so we can explore other legal and administrative avenues open to us.

Sincerely,

Ruth Vigil

Anton E. Rael
P.O. Box 107
Questa, NM
Wilfrido Rael
P.O. Box 603
Questa, NM 87556
Jill A. Cameron
P.O. Box 555
Questa, N. M. 87556

Concerned Citizens
P.O. Box 855
Questa, NM 87556

Letter 34

Thank you for your letter.

Letter 35

Response to Letter 35



TAOS ENVIRONMENTAL ASSOCIATION

P.O. Box 6030 15
Taos,
New Mexico 87571

RECEIVED
BLM

3 FEB 2 P 2: 04

ALBUQUERQUE, N.M.

30 January 1989

Robert T. Dale, District Manager
BUREAU OF LAND MANAGEMENT
Albuquerque District Office
435 Montana N.E.
Albuquerque, NM 87107

Dear Mr. Dale:

This is a request for an extension beyond the February 9, 1989 deadline on comments to be included in the Final EIS for the MolyCorp Guadalupe Tailings Disposal Facility.

We are requesting this extension in order to prepare our comments in more detail.

Some of the data and regulatory language referenced in the DEIS requires additional time to obtain and analyze. This has been made even more difficult by the fact that the comment period overlapped the holiday season. Moreover, the Draft EIS was not made available to the general public from the Taos office until well into January.

All of these circumstances have made the allotted comment period too short to do an effective job of analyzing the document.

We therefore request that you extend the comment period for an additional 60 days.

Sincerely,

David Bates
President

Hank Saxe
Vice-President

Cynthia Patterson
Co-ordinator

Susan McCarthy
Co-ordinator

xc: Larry Woodard, State Director
Bureau of Land Management
New Mexico State Office
P.O. Box 1449
Santa Fe, NM 87504-1449

xc: Taos Resource Area

Letter 35 Thank you for your letter.

Letter 36

Response to Letter 36

P.O. Box 1012,
Bayard, New Mexico 88023
January 24, 1989

RECEIVED
ELM

Mr. Robert T. Dale
Bureau of Land Management
435 Montano N.E.
Albuquerque, New Mexico 87107

23 FEB 2 P 1: 12

ALBUQUERQUE, N.M.

Dear Mr. Dale:

As a former resident of Questa, New Mexico and still maintaining a home there, I am writing to you in support of the request by Molycorp, Inc. for the acquisition of permits to construct a tailings disposal dump for their waste.

Letter 36

Thank you for your letter.

I was extremely distraught, at some of the negative public comments that were made during the public hearing in Questa on January 20. I did not make a public comment because I was not prepared to do so, but after what I heard I feel that some of those comments were more personal vendettas against Molycorp than actual facts.

I was employed by Molycorp, Inc. for seventeen (17) years. During which time I was a buyer for mill operations. I purchased all reagents used in the flotation process of Molybdenum, and also all the chemicals, revegetation seed products for the existing tailings and dump berms at the open pit mine to name a few. I was responsible for purchasing all the tailings line pipe, which was costing in the neighborhood of 1,500,000 a year. The whole line was not replaced yearly, but it was replaced as wear was discovered by personnel in charge of inspections. If they felt wear was taking place in certain areas they suggested that particular line be replaced. That was the purpose of maintaining a stock of this pipe groove. Lots of time and effort went into research and contacting other mining firms in attempts to find out what was working the best for other mining operations like Molycorp.

I could go on and on explaining to you what all was done by Molycorp. Molycorp is a caring company. They do not get credit by some community people for what they should get credit for. I lived approximately 500 feet from the existing tailing disposal dump and still maintain a home there. Molycorp's property is adjacent to mine. Yes, dust blows in the spring, but it doesn't blow any worse than dust blows in any other community during that time of the year. We have grown gardens, raised animals, and neither were harmed by the dust.

I want to reiterate my concerns for the continued operations of the mining industry in Questa and I hope that the Bureau of Land Management's Committee Panels take a good hard look at the need of the acquisition of permits to the Guadalupe Mountain for another disposal waste dump for Molycorp.

Sincerely,

Rose Martinez
(505) 537-5176
(505-388-1527 (Work))

Letter 37

Response to Letter 37

RECEIVED
FEB 3 P 1: 22
P. O. Box 369
El Prado, NM
87529
30 January 89

Mr. Robert T. Dale
Bureau of Land Management
Albuquerque District Office
435 Montana N. E.
Albuquerque, NM 87107

Dear Mr. Dale:

This letter is written in support of the findings of the Draft Environmental Impact Statement for the MolyCorp Guadalupe Mountain Tailings Disposal Facility and to encourage the granting of the necessary permits to enable MolyCorp to use said facility.

The impact conclusions you have arrived at are reasonable and without question all of the potential adverse effects have been addressed. A tailings disposal area at Guadalupe Mountain will certainly have less nuisance effects for area residents than the existing disposal area. You have investigated the prime concern-water quality-adequately. If groundwater contamination was a threat, such contamination would have manifested itself during the more than twenty years of operations at the existing site.

I was associated with MolyCorp for a number of years and am quite familiar with the permitting process and the attendant controversy. The mining operation has been and can continue to be an important contributor to the economy of Taos County and Northern New Mexico and would continue to be an environmentally reasonable and sound operation.

Sincerely yours

C. Robert Sacrison

Letter 37

Thank you for your letter.

Letter 38

Response to Letter 38

Feb. 2, 1989

Dear Mr. Dale,

As a long time resident of La Lama, New Mexico, I would like to voice my concerns about the proposed Guadalupe Mountains tailings pond site.

I am against any further tailings sites at this point in time. I have been concerned with the health problems arising due to the Questa tailings ponds, and I am concerned that these problems will be duplicated at the Guadalupe site, further jeopardizing our health as well as degrading a new beautiful undeveloped area.

It would be better to clean up and use up the existing capacities in Questa before going on to another site. We must think more about our environment in these times, with so much waste matter spread around, and not add to the problem for future solving.

Thank you for your ability to listen to the voices of the citizens of this community and of the world. Remember that you and your family also breathe the air and drinks the water. Please let's progress safely into the future. There's no sense providing jobs without providing a safe environment to live in. Let's put people's health, air and water quality, and all that we've learned from past projects first, before embarking on a new, monumental, possibly hazardous, facility which will consume huge amounts of money, devastate the land and pollute our lives further.

Very Sincerely,

Beverly Pollack

Beverly Pollack
Box 111
San Cristobal N.M. 87564

38-1 No health problems have been identified that would result from implementation of the proposed project.

38-1

RECEIVED
BLM
09 FEB 3 P 4: 19
010 Albuquerque, N.M.

Robert Slade

Bureau of Land Management
435 Montana NE
Albuquerque, NM 87107 010 ALBUQUERQUE, N.M.

RECEIVED February 1, 1989
BLM

FEB 3 P4: 25

Re: Guadalupe Mountain Tailings Pond

1. I am interested in what happens to the tailings ponds when they are no longer in use. What is your criteria for reclamation of the vegetation? Will you request that reseedling with natural vegetation be 90% complete in 5 years compared to the natural state of surrounding areas? How will the reclamation process be monitored? And what evidence do you have that the process will work and the quality of land be restored?

39-1

2-59

2. Also, the 1872 mining law, under which the Company is making application and subsequent patent of the land, specifies that a mining use of public land cannot be considered unless the mine is in actual operation and producing income. The mine has been closed over two years because the price of molybdenum was too low for profit and it is even lower at this time. How do you justify consideration of the request for a tailings pond in the Guadalupe Mountains?

39-2

Yours truly,
Hattie E. Stone
639 NSR
Guatemala, NM 87556

cc: Unocal

39-1

Reclamation would begin as soon as operations were finished and would be concluded when the vegetation had been restored to "good" condition (50 to 75 percent of potential natural plant community) as described by the Soil Conservation Service for a loamy range site on the attached range site description. (See Section 1.5 for final mitigation measures). It is expected that this condition could be achieved in 10 years. A bond would be set to ensure that reclamation is accomplished. This bond would be set to cover the reclamation and stabilization of the area disturbed by the construction and operation of the tailings facilities. Bonding would be required at approximately \$5,000 per acre. This figure is estimated based on bonding figures used in other mining operations. This bonding would cover costs including shaping, topsoiling, seeding, mulching, and in this case may need to cover the placement of more than the minimum 1 foot of topsoil or other suitable soil material to avoid uptake of contaminant materials if they are determined to be a problem for livestock or wildlife use. BLM would be required to make periodic compliance inspections to determine reclamation progress. MolyCorp would be required to pay for some studies to determine levels of uptake and levels at which uptake generates adverse effects. Reclamation would not be complete if uptake levels are determined to be hazardous to wildlife or livestock inhabiting the area. Bonding would be released when reclamation is complete or as of the date of the patent.

If the tailings facilities were approved and were not in operation for a period of time, the condition of the tailings would be monitored by MolyCorp weekly and surfactant would be applied as needed to ensure that state and federal air quality standards were consistently met.

39-2

A "discovery" under the prudent-man test definition and the marketability test definition are the general requirements for a valid mining claim. Patenting of the claim requires discovery, proper location, and \$500 in assessment labor and improvements, as detailed in 43 CFR 3860. No requirement specific to "actual operation and producing income" is noted. Further, the claims in question are "mill site" claims. It is recognized that nonmineral land not contiguous to a vein or lode can be occupied by the claimant for mining or milling purposes, and the mill site can be patented with the lode claim. Land obtained for a mill site must be nonmineral in character up to the time of patent.

E. POTENTIAL NATURAL PLANT COMMUNITY

1. This is a grassland site with scattered shrubs throughout the site. Forbs are conspicuous when in bloom but otherwise a minor component.

2. Composition of Potential Plant Community

Approximate percentage of total annual herbage production.

		(Shrubs, half-shrubs vines and trees)			
Grasses and Grasslikes - 70-75%		Woody - 15-20%		Forbs - 5-10%	
western wheatgrass	20-30	big sagebrush	5-10	fringed sagewort)
Indian ricegrass	)	fourwing saltbush	)	locoweed)
needleandthread	) 10-15	winterfat	)	Indian paintbrush	) 5-10
New Mexico feathergrass	)	rabbitbrush	)	alfileria)
galleta	5-10	spineless horsebrush	) 1-5	wild buckwheat)
blue grama	5-10	others	)	others)
alkali sacaton)				
spike muhly	) 3-10				
muttongrass)				
prairie junegrass	) 3-7				
bottlebrush squirreltail	3-7				
others*	1-5				

* Other species include sideoats grama, sand dropseed, pine dropseed, mat muhly, cheatgrass, pingue, wooly Indianwheat, globemallow, praire coneflower, oneseed juniper, pinyon, pale wolfberry, broom snakeweed, yucca species, cholla cactus, and antelope bitterbrush.

3. Canopy Cover

Trees, shrubs, and half-shrubs canopy - 10 percent

4. Ground Cover (Percent of Surface Area)

Grasses and forbs	25
Bare ground	50
Surface gravel	5
Surface cobble and stones	0
Litter - percent of area	20
average depth in cm.	1

F. TOTAL ANNUAL HERBAGE PRODUCTION (Average Air-dry, lbs./ac.)

Favorable years	- 1,100
Unfavorable years	- 600

Letter 40

Response to Letter 40

Robert Dale
435 Montana NE
Albuquerque NM 87107

Feb. 2, 1989

Dear Mr. Dale:

Concerning the proposed Molybdenum has made to use the Guadalupe Mountain as a tailings dump site; I am very concerned about the proposed degradation and destruction of natural resources which I find unnecessary & undue, especially in light of the mine being closed and the poor outlook for the world Molybdenum market.

What guarantee is there that Molybdenum will effectively mitigate air-borne dust from the tailings? Could the tailings remain unsealed if the mine begins operations and then shuts down again for an extended period of time? Isn't this continual cycle of shut-downs very likely given that the world supply of Molybdenum is so much greater than the demand? Should the mine undergo an expensive shut-down would Molybdenum have to begin to reclaim the tailings pond or could the pond just sit there in perpetuity?

If Molybdenum never reached a price at which Molybdenum could resume operations, would the BLM have to approve of the Guadalupe site? Why doesn't Molybdenum need to show cause as to why the another larger tailings pond is required in light of a realistic assessment of the world Molybdenum market and the market's recent trends? Why is the BLM considering this proposal when the mine is not in operation and, given the fact that the price of Molybdenum continues to fall, is not likely to be able to resume operations in the foreseeable future?

The dams required at the site would constitute a permanent eyesore to all those within the BLM's Special Management Area, classified as Class I Recreation, which surrounds approximately 90% of the proposed site. These huge dams constitute unnecessary visual impairment of the scenery, and are in significant conflict

40-1

Reclamation of the tailings facility could be required prior to Molybdenum's intent to permanently close the facility if there had been an extended period of non-operation (43 CFR 3809.3-7). Air quality standards would be met regardless of operating status. See the mitigation measures in Section 1.5 and Response to Comment 48-6.

40-2

Molybdenum has reopened the mine since issuance of the Draft EIS. See also Response to Comment 2-2.

40-3

The EIS states that the proposed project would not achieve the visual quality objective for a VRM Class II area. The dams, however, could not be removed for reasons of safety.

40-1

2-61

40-2

40-3

the Class II objectives designated for all of the SMA. Why then don't the BLM require MolyCorp to remove the dams after closure and require a bond to be posted before construction of the dam would cover the costs of restoring the natural form and lay of the land? Why has the north half of Guadalupe Mountain been designated an Area of Critical Environmental Concern due to "significant scenic and cultural values as well as important wildlife habitat," while the other half of the same mountain has not been deemed to have the same features? A little crazy thinking about two ~~mountain~~ halves of the same mountain? Why was the Guadalupe side not included in the SMA? Wouldn't activities there significantly contradict the SMA objectives?

What is the time frame for reclamation after closure? What amount would the required reclamation bond be? Will it include the possible damages, so that might occur, i.e. the cost of cleaning up the Rio Grande if it got polluted? What does or could the BLM's "Notice of Non-compliance" do?

Finally, why does the draft EIS completely ignore the question of intrinsic value? It would like to see the question of Guadalupe Mountain's inherent value discussed in the final EIS. If MolyCorp plans to destroy it for all future generations & the BLM OK's that plan, then at least our children will know what was taken away from them.

My hope is that you at the BLM will take your role as guardians and caretakers seriously and prudently. Take an honest look at the outcome of the site should it become a toxic garbage dump, then look at the price of Molybdenum and at the long-term health and environmental costs to the surrounding communities to decide if it is truly worth it.

Sincerely,
Jamie Ash

As noted by this and several subsequent commenters, the proposed project site was considered for inclusion in the ACEC and the Wild Rivers Recreation Area SMA in March 1987 when the Draft Resource Management Plan (RMP) for the Taos Resource Area was published. As with most federal planning efforts, including the EIS process for the proposed MolyCorp tailings disposal area, the Draft RMP was published to inform the public and solicit relevant opinion and information. In accordance with the process, MolyCorp submitted a request that the site be deleted from the ACEC and the SMA because it included legitimate mill site claims for which MolyCorp had submitted a plan of operation in 1982. In reviewing the MolyCorp request at the time, the BLM found portions of the mill site claims on Guadalupe Mountain were not essential to achieving the objectives of the ACEC or the SMA. Consequently, the MolyCorp request was granted and part of the Guadalupe Mountain saddle was deleted from the ACEC and the SMA in the proposed RMP published in October 1987.

The time frame for reclamation would depend on the schedule in the approved plan. It would begin as soon as operations ceased and end when vegetation had been successfully re-established. Any reclamation bond would be of an amount sufficient to reclaim the site in case of default by the operator. See Response to Comment 39-1. A notice of non-compliance (NONG) would notify the operator that operations are not being conducted in accordance with the approved plan. The NONG tells the operator where BLM feels the approved plan is not being followed and what must be done to come into compliance, and gives the operator a time period (not to exceed 30 days) in which to achieve compliance with the approved plan. Failure to correct the operation would result in BLM obtaining an injunction against the operator continuing operations.

The intrinsic value of the Guadalupe Mountains is inherently a composite of individual values including visual quality, wildlife values, air quality, and so forth. It includes the potential value of the area for human activity such as support of mineral production. Not only does the Draft EIS address intrinsic value, the entire purpose of the document is to investigate and analyze competing claims for use and enjoyment of values intrinsic to the Guadalupe Mountains and the surrounding area.

Letter 41

Response to Letter 41

RECEIVED

SLP

33 FEB 6 P1:12

010 ALBUQUERQUE, N.M.

February 3, 1989

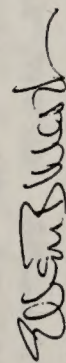
Robert T. Dale
Bureau of Land Management
435 Montano, N.E.
Albuquerque, NM 87107

Dear Mr. Dale:

By way of this letter I am conveying my support for the proposed tailings disposal site in the Guadalupe Mountains in Questa, New Mexico, which MolyCorp requires for future operations. The federal and state regulations imposed on corporations these days are sufficient to ensure a safe environment and I think that at some point the citizens of the communities of northern New Mexico must accept the fact that compromise is essential in today's world. The molybdenum mine has been around for several years I have yet to hear of any significant hazards to human health in the area.

I believe that MolyCorp should be granted this site and I also believe that it will continue to fulfill in an honest and timely manner whatever responsibilities are required of the company for safe and acceptable operations of a tailings disposal site.

Sincerely,


Ellen B. Morton
Resident of Taos County
temporarily residing in
California at 1037 Green Lane
LaCanada, CA. 91011

Letter 41

Thank you for your letter.

Letter 42



Amigos Bravos, Friends of the Wild Rivers
P.O. Box 6168 Taos, New Mexico 87571

39 FEB 6 P 2: 03

3 February 1989

010 ALBUQUERQUE, N.M.

Robert Dale
Bureau of Land Management
435 Montano Road NE
Albuquerque, NM 87107

Dear Mr. Dale:

At our Board of Directors meeting of February 2, Amigos Bravos Board Members voted to formally request that the comment period for the Draft Environmental Statement pertinent to the proposed MolyCorp Guadalupes Tailings Disposal Facility be extended for sixty (60) days beyond the February 9 deadline.

As you may know, Amigos Bravos is dedicated to protecting the wilderness qualities of the Rio Grande and Red River Wild and Scenic Rivers, as well as of the Wild River Recreation Area. Our mission is to educate the public on all sides of an issue which impacts the river corridors as well as the Recreation Area. Now that the public hearings are over and a multitude of issues raised, we plan to issue a newsletter which will in turn elicit additional comments. We feel that this issue, a major project which will permanently impact the area, is of utmost importance, and is worthy of all comments.

We are in contact with expert consultants who had not received a copy of the Draft EIS until mid-January. The reasons for this are many, including the fact that there were few copies of the EIS available in the Taos Resource Area Office, until that fact was brought to the attention of Larry Woodard at the Environmental Report Card meeting. Although our comment at that time brought immediate attention and thus more copies, the lack of time (7-10 days) before the public hearings and the original comment deadline does not allow for a thorough reading of the matter necessary for cogent comment. Thus, it is necessary to ask for an extension of the public comment period to gain the greatest possible participation in this public process.

Sincerely,

Mary Humphrey
Mary Humphrey
President, Board of Directors

Letter 42

Thank you for your letter.

RECEIVED
BLMP.O. Box 506
El Prado, New Mexico 87529
January 31, 1989

39 FEB 6 P2:10

010 ALBUQUERQUE, N.M.

Mr. Robert Dale
Bureau of Land Management
435 Montano Rd. N.E.
Albuquerque, New Mexico 87107

Dear Mr. Dale:

I have reviewed the Draft Environmental Impact Statement: Molycorp
Guadalupe Mountain Tailings Disposal Facility.

I have found the effects to be minimal to Taos County and to the
communities of Questa and Cerrito, New Mexico.

I was employed by Molycorp for 17 years. I have never seen any
negligence in any form by Molycorp Management in regard to water,
air and land quality maintenance efforts.

I have seen a tailings line relocated and replaced with rubber lined
pipes, at a great cost to Molycorp. I have seen employees scrambling
at the slightest indication of a tailings line break, and a lot more
when one did occur.

The reclamation efforts, revegetation, planting of trees are showing
at the present tailing site and on the Red River canyon. I believe
the efforts of management are sincere to maintain air, water and land
quality.

I am an avid outdoorsman and a lover of the outdoors, as are my three
children. After reviewing the Environmental Impact Statement, I
petition the decision making powers to look favorably upon and to approve
Molycorp's request to deposit tailings at the proposed Guadalupe Mountain
site.

As one of the many former employees of Molycorp, I thank you for your
efforts to attain a fair and just decision.

Sincerely,

Atilano A. Montoya
Atilano Augustin Montoya

Letter 43

Thank you for your letter.

Letter 44

Response to Letter 44



United States Department of the Interior

U.S. GEOLOGICAL SURVEY
RESTON, VA 22092



In Reply Refer To: FEB 6 P 1: 50
WGS-Mail Stop 423
DES 88/55

010 ALBUQUERQUE, N.M.

JAN 30 1988

Memorandum

To: Mr. Robert T. Dale, Bureau of Land Management,
Albuquerque, New Mexico

From: Deputy Assistant Director for Engineering Geology

Subject: Review of Bureau of Land Management's draft environmental impact
statement for MolyCorp Guadalupe Mountain Tailings Disposal Facility
near Questa, New Mexico

We have reviewed the subject document as requested. The statement should
address the following:

- 44-1 1. Plans for operational and postoperational monitoring of ground-water
quality.
- 44-2 2. The vertical hydraulic conductivity used in computing the rate of
downward movement of pollutants to the volcanics aquifer.
- 44-3 3. The potential for mounding of ground water beneath the tailings during
operation, including the potential for any significant changes in the local
gradient as a result of mounding.
- 44-4 4. The hydraulic effects on water levels, hydraulic gradients, and ground-
water flow directions in the uplifted portion of the Santa Fe Formation
within the fault zone southwest of Guadalupe Mountain where it is of
lower permeability.

Clement F. Shearer

Clement F. Shearer

Copy to: District Chief, WRD, Albuquerque, New Mexico

44-1

See Response to Comment 1-2.

44-2

The vertical hydraulic conductivities used in computing the rate of downward movement of leachants in the unsaturated zone average 10 percent of horizontal conductivities. Ratios of vertical conductivity (K_v) to horizontal conductivity (K_h) were varied from 1:1 to 1:100, but the average case was 1:10. The average case was based on analysis of cores from test holes in the Guadalupe Mountain saddle plus on literature data (Stephenson and Freeze 1974). The Stephenson and Freeze investigation consisted of modeling unsaturated/saturated flow through altered and fractured volcanic rocks, similar to conditions in the Guadalupe Mountain area. From that study, an unsaturated hydraulic conductivity curve representing the behavior of fluids in volcanic rocks was developed.

44-3

The 1987 Dames & Moore study predicted several feet of water table mounding as a result of pond seepage. That study, however, resulted in exaggerated predictions of mounding and several reasons: (1) the model used was two-dimensional and outflow was allowed only through the base and across the downgradient boundary (versus a more realistic three-dimensional outflow); (2) the groundwater underflow rate used by Dames & Moore was very low compared to more recent data; and (3) the hydraulic conductivity for the unsaturated zone in the model was less than that for the saturated zone.

Thus, any concerns for adverse impacts to local groundwater gradients are not suggested by data. The water supply wells for the towns of Cerro or Questa have water table elevations substantially above the water table elevation at the proposed site.

44-4

There would be no changes in hydraulic regime in down-gradient flow systems. The amount of estimated seepage relative to the calculated groundwater underflow would cause only very local, if any, changes due to minimal mounding.

The uplifted portion of the Santa Fe Formation, because of regional faulting, does appear to localize groundwater flow toward the Big Arsenic Springs complex because a dacite-filled paleovalley within the Santa Fe Formation is uplifted. The proposed operation would not impact this hydrogeologic condition.

PO Box K
E1 Prado, NM 87529
February 3, 1989

Bureau of Land Management
435 Montano Road NE
Albuquerque, NM 87107
Attn: Mr. Robert Dale

RECEIVED
BLM

03 FEB 6 P1:48
010 ALBUQUERQUE, N.M.

Dear Mr. Dale,

I am writing you concerning the proposed new molybdenum tailings pond requested by Molycorp near Questa, NM.

I recognize there is tremendous political pressure being placed on your office by various state and federal officials to approve their petition. This, however, does not justify granting Molycorp these additional tailings sites.

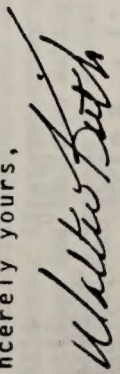
It would seem very logical with the unused capacity of the existing ponds; estimated to be 12-15 years at full operation, to hold in abeyance any approval, at least until 3-4 years prior to the present site reaching capacity. There is no question that the air, water and natural habitat qualities will be affected by granting Molycorp's request now. They have not and cannot prove present need for this additional site.

The provision in the 1872 mining law that states they may cause "no unnecessary and undue environmental degradation" is antiquated and certainly arguable in court.

I am requesting Secretary Manuel Lujan investigate the necessity and advisability of granting Molycorp's petition.

In the interim, I am asking that you deny the permit.

Sincerely yours,



Walter Keith

cc: The Honorable Manuel J. Lujan, Secretary of the Interior
Mr. Richard Stegemeier; Pres. and CEO, UNOCAL
Sierra Club

45-1 See Response to Comment 2-2.



NEW MEXICO
HEALTH AND ENVIRONMENT
DEPARTMENT

RECEIVED

ENVIRONMENTAL IMPROVEMENT DIVISION
Harold Runnels Bldg. - 1190 St. Francis Drive
Santa Fe, New Mexico 87503

99 FEB 6 P 1:47

Richard Mitzelfelt

Director

010 ALBUQUERQUE, N.M.

GARREY CARRUTHERS
Governor

CARLA L. MUTH
Secretary

MICHAEL J. BURKHART
Deputy Secretary

February 3, 1989

Mr. Robert T. Dale, District Manager
Albuquerque District Office
Bureau of Land Management
435 Montana N.E.
Albuquerque, N.M. 87107

Dear Mr. Dale:

The New Mexico Environmental Improvement Division (EID) requests additional time to provide comments on the Draft Environmental Impact Statement for the MolyCorp Guadalupe Mountain Tailings Disposal Facility. Although the EID did send you some initial responses to the document, the short time period for comments did not allow for adequate study of the potential health effects associated with the facility. Previous studies by the EID have demonstrated that these effects may be significant.

Thank you for your attention to this request. If you have any questions, please contact Gedi Cibas, the EID Environmental Review Coordinator, at 827-2843.

Sincerely,

Richard Mitzelfelt
Director

cc: Gedi Cibas, Environmental Review Coordinator
Cubia Clayton, Bureau Chief, Air Quality Bureau

Letter 46

Thank you for your letter.

Feb 2, 1989

to BLM

As a resident of
Quetta and a concerned
citizen. I am totally
opposed to Union Oil
being granted the
Shadblupe site for
a tailings pond.
It is my opinion
that Unocal should
reclaim the original
ponds before being
granted a new site
for their waste

It is hard for me
to understand how
the BLM can designate
an area wild and
sensitive and then turn
around and give
the neighboring
mountains up for
a chemical cesspool.
Those of you at
the ~~Department~~ Bureau
the end of BLM
do not see the
dust that blows off
these roads in spring
with roads opening
the dust will be
twice as bad.

47-1

47-1

Cumulative emissions are addressed in Response to Comment 48-5.

47-1
Con't

Breathing this
chemical dust is
harmful. No matter
how or who has
analyzed it,
it seems clear to
me that corporate
spies and BbM
management are
at issue here over
the health and
welfare of all the
citizens of Qwest
and future generations
who will inherit
this problem.
I urge you to
reconsider this matter.

and take more time
in deciding the
future of Questa
and your final
decision as to saving
the tailings site.
Destroying the mountain
is not only a health
hazard to all up-
line here but it
will be an
ecological and
environmental disaster
to the whole River
Area. Sincerely,
Les Michel
P.O. Box 571
Questa, NM. 87556

NEW MEXICO

STATE CLEARINGHOUSE FINAL REVIEW CERTIFICATION

February 3, 1989

DATE:

TITLE: MolyCorp Guadalupe Mountain Tailings Disposal Facility, Guadalupe, N.M.

APPLICANT: Bureau of Land Management

STATE APPLICANT IDENTIFIER (SAI) NUMBER: NM 89 01 25 871

FEDERAL CATALOG NO:

FEDERAL AGENCY: US EID

(X) FINAL REVIEW See SCR1 & Attachments.

(X) PROPOSED ACTION IS SUPPORTED. See SCR1 and Attachments.

(X) PROPOSED ACTION IS NOT IN CONFLICT WITH STATE, AREAWIDE OR LOCAL PLANS. See SCR1 and attachments.

(X) COMMENTS ARE ATTACHED FOR SUBMISSION WITH THIS PROPOSED ACTION.

TO THE APPLICANT:

YOU MAY NOW SUBMIT YOUR APPLICATION PACKAGE, THIS FORM, AND ALL REVIEW COMMENTS TO THE FEDERAL OR STATE AGENCY(CIES) FROM WHICH ACTION IS REQUESTED.

PLEASE NOTIFY THE STATE CLEARINGHOUSE (SINGLE POINT OF CONTACT) OF ANY CHANGES IN THIS PROJECT. REFER TO THE SAI NUMBER ON ALL CORRESPONDENCE PERTAINING TO THIS PROJECT.

SCR-2

STATE-POINT-OF-CONTACT

2/3/89

DATE

SCR-1

STATE CLEARINGHOUSE REVIEW (SCS) PROCESS

(Upon completion return this form to the State Clearinghouse)

- ☒ Application
☐ Draft Environment Impact Statement
☐ State Plan

TO: Gedl Cibas
FROM: Annie Urban

The attached proposed action is submitted to you for review and comment. Please return this completed form by ASAP

- A. Title: MolyCorp Guadalupe Mountain Tailings Disposal Facility
2. Applicant: Bureau of Land Management
C. State Application Identifier (SAI) No. NM 89 01 25 871

1. To the best of your knowledge, does the proposed action conflict with any applicable statute, policy, order, or regulation?
☐ Yes ☒ No

2. Describe any concerns, suggestions or means of improving or strengthening the proposed action. Please note comments on reverse side.

3. Does the proposed action duplicate any activities which are geared towards the same target group?
☐ Yes ☒ No

4. Identify the masterplan or the comprehensive plan that this proposed action relates to.
Is the proposed plan compatible with the plan?
☐ Yes ☐ No

5. Identify the block grant, if any, which the proposed action relates to.

RECOMMENDED ACTION

- Proposed action is supported *but see attachments.*
☒ Proposed action is supported *with recommendations on reverse side*
Proposed action is not supported. Note comments on reverse side

1/8 2/2/89 EID
Reviewer's Signature Date Agency

cc: ☐ Applicant: This acknowledges receipt of your proposed action and it is now under clearinghouse review.

Letter 48 Continued

Response to Letter 48 Continued

TO: Gadi Cibaa, PSB
FROM: Jim Platt, SWQB
DATE: 30 January 1989

RE: Molycorp Guadalupe Mountain Tailings Disposal Facility
EA prepared by the USDI-BLM
EID File #: 453 ER

I have completed my review of the above project and provide the following comments for your submission to the Central Clearinghouse.

(p 1-14) "...the surface water and collected seepage from the dams would be transported via open, lined channel or pipeline to the existing ion-exchange plant..."

Transport of these materials must be conducted under conditions which will eliminate the possibility of spills. If pipes are used they must be resistant to abrasion and the low pH of the solute. Secondly, if an open lined channel is used some method must be employed which will prevent use of these waters by livestock and other large herbivores.

48-1

(p 2-9) "Table 2-4 presents a comparison of data from the Rio Grande and Red River to the New Mexico Water Quality Control Commission Standards."

No comparison to the standards is made in this Table, consequently the current exceedances of standards is not documented. To rectify this oversight, the table should be modified to include both the range in constituent concentrations and the number of violations of standards. Limiting the discussion to mean values without some indication of variability is meaningless.

48-2

(p 2-43) "Public water supply and wastewater treatment facilities have adequate existing capacity to handle the demands of the current populations in the City of Taos and in Questa."

The statement is only partially correct. Although the proposed project should not significantly affect wastewater treatment needs in either city, the City of Taos WWP has reached capacity and the plant is already violating stream standards due to discharges of N-species. With the ongoing development of tourist facilities in the Town, there is a need for plant enlargement and modernization.

48-3

(p 3-6) "No impacts to surface water resources would occur during construction of the tailings facility;..."

While this conclusion may be correct for the actual Guadalupe Mountain site, the EA also indicates that streamside construction (i.e., pumping station and extension of the tailings pipeline) will occur. The reach of the Red River between the Molycorp Mill site and the mines discharge does not meet State stream standards or the goals of the federal Clean Water Act due to mining related nonpoint source pollution. No further impact to this reach is allowable. All streamside activities must be conducted in such a manner that State water quality standards are fully attained. Consequently, no instream construction will be allowed, streambanks must be fully protected, riparian vegetation maintained, and sediment input to the system prevented.

48-4

48-1

Toxicity tests conducted on tailings effluent using fathead minnows and invertebrate and vertebrate indicator species showed no effect on survival or growth at 100 percent effluent (Molycorp 1984).

As described on page 1-5 of the Draft EIS, the entire site would be fenced with three-strand barbed wire.

Please see also Responses to Comments 48-14, 105-2, and 135-3, and Section 1.5 of the Final EIS.

48-2

Table 2-4 has been revised to include the New Mexico Water Quality Standards for comparative purposes. See Section 3.2 of the Final EIS.

48-3

The analysis in Section 3.13 of the Draft EIS indicates that no project-related population increase would be expected. Consequently, the project would not aggravate the existing capacity problem.

48-4

No stream-side construction is proposed in conjunction with the tailings pond project. The proposed pumping station would be located west of the existing tailings ponds at the base of Guadalupe Mountain, not along the stream bank.



New Mexico Health and Environment Department

CARLA L. MUTH
Secretary
MICHAEL J. BURKHART
Deputy Secretary
RICHARD MITZELFELT
Director

February 2, 1989

MEMORANDUM

File # 453 ER

TO: Gedi Cibas
FROM: Bruce Nicholson, Program Manager, Air Quality Bureau
SUBJECT: Comments on Molycorp Guadalupe Mountain Tailing Disposed Facility
EIS

1. Pg. 3-3 and others.

During discussions with Molycorp officials 2-3 years ago, they indicated that there would be a period of 5 10 years during which both the existing tailings and the new Guadalupe tailings would be operating simultaneously. Is this still the situation? If it is, then what will be the combined effect of the two tailings operations upon air quality. If both tailing facilities will be operating simultaneously, then both the frequency and total air quality levels will be higher than predicted and more nearly reflected in the historical levels shown in the air quality data at the sensitive locations (Questa High School).

If it is not the case, is BLM going to include a stipulation to that effect in the plan of operation.

2. Pg. 3-4

There is a State of New Mexico TSP standard which has a numerical value of 150 ug/m³. The standard has no provision for exceedances as do the federal particulate standards. The modeling exceedances of the state standards are violations of that standard as long as those concentrations occur outside of the fenced area of the tailings. Under state law, a predicted violation of the TSP standard from the Molycorp tailing facility operation is illegal. The mitigation measures should specify those steps which are adequate to prevent the TSP standard from being exceeded. Without using mitigation measures, the facility will be in violation of both the Air Quality Act and ambient air quality standards.

- ENVIRONMENTAL IMPROVEMENT DIVISION -
Herold Runnels Building
1190 St. Francis Dr.
Santa Fe, New Mexico 87503

48-5 The available site-specific wind data indicate primarily southerly winds (see Figure 2-1, page 2-5 of the Draft EIS). Because of the locations of the existing and proposed tailings sites, southerly winds would cause minimal interaction between the two sites. Northwesterly winds could blow tailings from the new disposal site to the existing tailings. However, such winds would cross the narrow dimensions of the existing pond, thus minimizing the emissions. Another factor to consider is that any cumulative effects would occur early in the development of the new tailings facility when the new tailings would have a relatively minor effect. This should also serve to minimize any cumulative air quality impacts prior to closure of the existing ponds.

48-6 The Draft EIS predicts that the proposed tailings facility may result in infrequent exceedances of State of New Mexico TSP standards near the disposal site. A strategy for mitigation and control of tailings particulate emissions is presented in Section 1.5 of the Final EIS, which involves the application of a chemical surfactant to areas of dried tailings and monitoring downwind of the site. Surfactants are the most commonly used control for tailings in the mining industry. Actual numeric efficiency data for this control is not certain and depends on several factors such as the type of surfactant used, application rate, frequency of application, and local weather conditions. Likewise, a predetermined frequency of application cannot be set in the mitigation measure since the local weather conditions dictate the need for the surfactant. Molycorp must regularly inspect the tailings to ensure its surfactant application program will result in conformance with air standards. The State of New Mexico is responsible for taking appropriate action under its own regulatory authority should BLM's mitigation measures prove ineffective at adequately controlling dust levels at the new tailings site. Additionally, under Section 302(c) of FLPMA, the BLM must provide notice and conduct a hearing to suspend or revoke Molycorp's use of the public lands if they do not comply with applicable state or federal air quality standards.

3. Pg. (3-4) - (3-6) and the Guadalupe Mountain Tailings Disposal Facility Air Quality Technical Report

The modeling used ISC with the gravitational setting option. The fractions of fine versus coarse material used in the EID modeling were obtained from inference of ambient air data collected by the NMEID and modeled in an iterative fashion using the ISC model. A direct confirmation of these size fractions could be obtained by performing a sieve analysis of the dry tailings and also from dried sample taken directly from the pipeline discharge since the in place tailings may already be deficient in the fine fraction.

The overall emission rate for the tailings may be a reasonable estimate, however, the derivation of this factor used a constant rate for the entire existing tailings area. It was not stated in the technical report which of the two sections was the active tailings area. Visual observation of wind erosion events seems to show the majority of emissions occurring in the dry beach areas of the active ponds. This could substantially alter the emission rate upwards if the active pond was the area farthest south from Questa, which is believed to have been the case during the data collection period for the data which is used to derive the emissions rates. Similarly, the emissions from the Guadalupe tailings site may not depend so much on the stage of development but rather on the length and area of beach. The beach area will probably be constant during the operation of the facility.

If this is the case, then the air quality impacts as a function of distance may be similar to the historical monitor data. The EIS coverage of impacts may substantially underestimate the actual air quality impacts if the southern tailings impoundment area is operated for 5-10 years simultaneously with the Guadalupe site. In other words, the total air quality impacts from the MolyCorp operation have likely not been fully stated because not all sources of tailings emissions were included in the model.

4. Table 2-6 on Pg. 2-6 and Table 2-1 on Pg. 2-2 of the Technical Report

Data for the years 1980 through about 1984 or 1985 are representative of air quality levels when the tailing facility is operating. The data for 1986 and 1987 are representative of periods when the mine is shut down and tailings capped.

Data for 1988 have shown high values again and it is not clear why the air quality levels have again increased. See attached table.

5. General

The NMEID does not have the meteorological data, nor the source inputs to ISC model which could be used to verify the modeling results. We therefore cannot otherwise comment on the technical accuracy of the information provided in the technical report document nor the EIS. Provided these data were supplied and an adequate amount of time were allowed, the EID would be able to perform independent checks on the accuracy and interpretation of the modeling summarized in the reports.

48-7

We agree with the comment that on specific days the emissions would be limited to certain areas of the ponds. However, the analysis is limited by the fact that we have no way of knowing where the concentrated areas would be located on any particular day. As such, we have chosen to simplify the analytical procedure by assuming an average emission rate over the whole tailings area. This approach is believed to be the most accurate approach possible given the level of detail in the available data.

48-8

The 1988 TSP data referenced in your comment were not available at the time the Draft EIS was written, but these data are included in the Final EIS (see Revised Table 2-3 in Section 3.2).

All procedures in modeling followed the appropriate EPA regulatory guidelines and accepted scientific practice. All supporting data are available to the NMEID for inspection.

TSP DATA SUMMARY
QUESTA AND TAOS
1983-1988 (3rd Qtr)
(1/23/89)

Questa TSP DATA

YEAR	24 Hr. High	2nd 24 Hr. High	No. of Violations		No. of Samples	Annual Geo.
			State 24 hr.	Federal 24 hr.		
1988 Jan/Sept	380	253	5	N/A	42	N/A
1987	80	75	0	0	49	22
1986	97	46	0	0	36	18
1985	119	83	0	0	37	30
1984	281	139	1	0	67	33
1983	187	137	1	0	48	29
1982	301	161	3	2	52	34
1981	399	180	4	3	54	49

Taos TSP Data

YEAR	24 Hr. High	2nd 24 Hr. High	No. of Violations		No. of Samples	Annual Geo.
			State 24 hr.	Federal 24 hr.		
1988 Jan/Sept	103	100	0	N/A	45	N/A
1987	156	110	1	0	52	45
1986	140	99	0	0	39	43
1985	319	191	2	1	55	57
1984	255	232	9	8	49	68
1983	251	195	4	3	45	65
1982	194	146	1	0	47	71
1981	118	105	0	0	18	63



ENVIRONMENTAL IMPROVEMENT DIVISION

District II
1911 Fifth Street, Suite 202 & 205
Santa Fe, NM 87505
(505) 473-3473

GARREY CARRUTHERS
Governor

CARLA MUTH
Secretary

MICHAEL J. BURKHART
Deputy Secretary

MEMORANDUM

TO: Gedi Cibas, EIS Coordinator, EID

FROM: Gerald Silva, HPML, EID

SUBJECT: Molycorp Guadalupe Mountain Tailings Disposal Facility

DATE: February 1, 1989

While we can not cite any particular regulatory concerns regarding this project, we offer a few recommendations to make the overall operations more acceptable.

Section 3.16 states that infrequent high winds will cause a dust nuisance. A "good neighbor" policy would dictate that Molycorp take measures to prevent/abate nuisance to the residents. The present tailings site poses substantial "nuisance" on windy days, sometimes akin to foggy days. A much larger tailings site in a more exposed area should mean more effort at "nuisance abatement".

While not EID's perview, contingency plans in the unlikely but possible event of dam breach should be available to the community.

Finally, Molycorp should regularly monitor nearby private wells for possible impact. The present tailings site may have rendered a few private wells in the vicinity unusable. Given that the underlying rock is fractured "omni-directionally" this monitoring may not be unreasonable.

Thank you for the opportunity to comment.

cc: Ken McCallum, EID, Taos Field Office
Michael F. Brown, EID, District 2 Manager

48-9 See Response to Comment 48-6.

48-10 A contingency plan in the event of a dam breach would be provided, if required, at the time the tailings dam is approved by the State Engineer.

48-11 For discussion on monitoring please see Response to Comment 1-2.

TO: Gedi Cibas, Program Support Bureau
FROM: Cynthia Ardito, Ground Water Bureau
DATE: January 31, 1989

RE: MolyCorp Guadalupe Mountain Tailings Disposal Facility, EA prepared by USDI-BLM

I have completed my review of the "Draft Environmental Impact Statement MolyCorp Guadalupe Mountain Tailings Disposal Facility" and offer the following comments for your submission to the Central Clearinghouse. My comments are restricted to the areas of pond management (seepage mitigation and control) and ground-water quality.

(p. 1-5, 1-10) "Preliminary and final design (of dams) would be completed after BLM approval of the Plan of Operations", and "Detailed specifications of these facilities will be developed during the detailed engineering phase of the project".

Proper engineering and construction of these "facilities", specifically the collection pond(s), dams, and decant water channels, has a direct consequence on estimates of seepage rates from the tailings impoundment (and therefore the potential for impacts to ground-water quality). Therefore, design parameters and specifications for these "facilities" should be submitted prior to approval of the EIS.

48-12

(p. 1-11) "MolyCorp will limit the depth of any borrow pits developed within the impoundment basin...". "MolyCorp will develop rock quarries for the impoundment basin in a manner that promotes free runoff...".

The borrow pits and rock quarries should be kept outside the area of tailings deposition to prevent the problem of enhanced seepage potential in these areas. The possibility of transporting fill material for the dams to this area from other lands owned by MolyCorp should be explored. Tailings sands deposited in an area of higher permeability will most certainly contribute to the overall seepage quantity from the facility. At the very least there should be a detailed map submitted with quarry/pit locations and total volumes.

48-13

(p. 1-14) "After tailings solids settle out, the surface water and collected seepage from the dams would be transported via open, lined channel or pipeline...."

The mode of transport for this "surface water" should be established prior to any decision on the EIS. Again proper choice of materials, construction and engineering of this site will have direct consequences on the total seepage possible for the tailings impoundment. Since all modeling and calculations have been based on the assumption that the only contributions to total seepage would be from the tailings, it is imperative that

48-14

48-12

Detailed design specification will be provided to the State Engineer as required at the time of construction of the dam. All seepage estimates are based on specific design criteria which will be implemented in the final tailings pond design. Certain design assumptions had to be made to facilitate the seepage modeling that was conducted. These assumptions include:

- Permeability values of the tailings were assumed to be different in the beach areas than the decant pond area. Values for the beach area were obtained from existing MolyCorp pond data, and it was assumed that the decant pond area permeability would be an order of magnitude less. This assumption is based on experience with other similar ponds (e.g., the Eldor Mines pond near Rabbit Lake in Saskatchewan, Canada). Experience with other ponds (e.g., Eldor Mines) indicates that the permeability of tailings decreases as the depth of the tailings increases due to consolidation effects. This was not taken into account in the modeling, and therefore, the assumed permeability values for the tailings are considered to be conservative.

- The natural soil and overburden will serve to reduce the seepage from the pond somewhat. This factor was not included in the seepage modeling and the model results are therefore, conservative from this standpoint.

A number of assumptions concerning pond operation were assumed in the seepage modeling including:

- Minimizing the area of sustained contact of clear water (water within the clarification pond) with the natural ground. This will be achieved by locating the water decant facility in the central part of the impoundment basin and discharging tailings alternately from a number of strategically located points along the two flanks of the valley between the main dams.

- Careful planning of any borrowing operation within the impoundment basin to obtain dam construction materials. (For more discussion on this issue please refer to Response to Comment 48-13.)

- The size of the clarification pond must be carefully controlled. A 50-acre pond was considered a sufficient area and was the assumed size used in the modeling effort. It may be possible to reduce the pond size which would further reduce seepage below the modeled level.

48-13

As explained on revisions to pages 1-10 and 1-11 (see Table 3-1 in Section 3.1), the proposed borrow pits and rock quarries should not cause enhanced seepage. The borrow pits and rock quarries would be designed to promote runoff, i.e., they would be sloped toward the center of the impoundment basin so that any tailings deposited on them would run off. No ponding of tailings effluent will occur in these areas. A small amount of effluent would infiltrate, however, this was accounted for in the seepage modeling conducted.

48-14

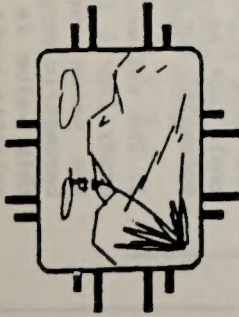
Any open channels used to transport the waters would be lined with an impermeable material and no seepage would result. See also Response to Comment 48-1.

operational and construction details for this project are made available prior to any decision on the EIS. Without this information, the potential for ground-water contamination cannot be adequately assessed.

(p. 2-13) The hydraulic gradient reported on this page is incorrect according to the Dames & Moore report (April 19, 1988). According to this report, the gradient is not 200 feet per mile, but approximately 4 feet per mile.

(Section 3.3.2. Groundwater) My comments on this section of the EIS are contained within the body of the enclosed letter from EID to MolyCorp. It summarizes EID's current position on the Dames & Moore field study as well as inadequacies in MolyCorp's plan of operations which directly relate to the potential for ground-water contamination at the Guadalupe site.

48-15 Different hydraulic gradients were calculated through the extended period of study as new data became available. There appears to be a flatter gradient closer to Guadalupe Mountain (averaging about 0.001 ft/ft) and a steeper gradient between CM-5 and the BLM Headquarters well (averaging about 0.004 to 0.005 ft/ft). This suggests more permeable conditions toward Guadalupe Mountain and/or effects of the river systems on groundwater gradients.



NEW MEXICO
HEALTH AND ENVIRONMENT
DEPARTMENT

ENVIRONMENTAL IMPROVEMENT DIVISION
Harold Runnels Bldg.-1190 St. Francis Drive
Santa Fe, New Mexico 87503

Richard Muzzeffelt
Director

GARREY CARRUTHERS
Governor
CARLA L. MUTH
Secretary
MICHAEL J. BURKHART
Deputy Secretary

December 7, 1988

Mr. Dave Shoemaker
Molycorp Inc.
Questa Division
Questa, New Mexico 87556

RE: Discharge plan (DP-577) Guadalupe Mountain Tailings Disposal

Dear Mr. Shoemaker,

Thank you for the opportunity to meet with your consultants, Dr. Dave Stephenson on October 19, 1988, and Dr. Fred Matish on November 16, 1988, concerning recent hydrogeologic and seepage-rate studies. The Environmental Improvement Division (EID) appreciates the efforts that Molycorp is making to address the concerns of the Ground Water Bureau associated with disposal of tailings at Guadalupe Mountain. However, there remains several unresolved issues relevant to the discharge plan application for the Guadalupe Mountain tailings disposal site.

It is the Ground Water Bureau's (GWB) position that recent field studies by Dames & Moore (April 19, 1988) have failed to provide conclusive data to support Molycorp's contention that ground-water quality will not be impacted as a result of tailings disposal activities at Guadalupe Mountain. Therefore, it remains Molycorp's burden to either initiate further site investigations for the purpose of generating useful field data and/or demonstrate in greater detail how pond management and tailings disposal engineering practices will be employed to mitigate and control seepage from this site. The following should serve to clarify GWB's position as well as delineate additional information which is required for the discharge plan.

Though the Dames & Moore report (April 19, 1988) was to some degree informative, it failed to satisfactorily address some major hydrogeologic issues. EID required a second phase of field studies for the purpose of determining site-specific aquifer parameters which would lend support to the conclusions of an earlier Dames & Moore study (July 7, 1987). The requirements of this field study are outlined in a Molycorp letter to EID dated September 10, 1987, and in an EID letter to Molycorp dated September 24, 1988.

As you well know, the aquifer tests performed on wells GM-4 and GM-5 indicate a highly transmissive aquifer; however, reliable data for aquifer-parameter analysis was not generated. Therefore, Dames & Moore, for lack of good field data, returned to a theoretical approach to determine hydraulic conductivity

48-16

On December 7, 1988, Ms. Cindy Ardito of the New Mexico Environmental Improvement Division wrote a letter to David Shoemaker of Molycorp, Inc. that apparently received wide distribution. A response to the hydrogeologic issues raised by Ms. Ardito was compiled by David Stephenson on January 30, 1989, in a report to Mr. Shoemaker. Dr. Stephenson, formerly with Dames & Moore, was then with the firm of Harding Lawson Associates. His responses to Ms. Ardito's questions and comments are reproduced here.

For discussion of issues relating to pond management practices please see Response to Comment 48-12. For a discussion of issues relating to liners, see Responses to Comments 48-12, 62-3, and 63-6. For a discussion of dust control and potential enhanced seepage issues, see Response to Comment 75-5. For a discussion of tailings discharge methods, see Response to Comment 75-15.

values for their calculations. Though EID appreciates the complexity of the hydrogeologic environment at Guadalupe Mountain, and agrees that all available data point to a highly transmissive aquifer, technical staff has not been convinced by the Dames & Moore report that the potential for ground water contamination does not exist at this site.

For example, using the same mixing calculations employed by Dames & Moore, and the following values:

mixing depth = 25 feet.
seepage rate = 0.52 cfs
seepage footprint = 6000 feet
SO₄ (mg/l) = 1400 mg/l
hydraulic conductivity = 420 ft/day

the resultant concentrations for SO₄ in ground water would be 720 mg/l (the New Mexico Water Quality Control Commission standard for sulfate is 600 mg/l). In support of the parameters used for these calculations, I offer the following: a mixing depth of 100 feet was never adequately supported by Dames & Moore; therefore, there is no reason to assume that 25 feet is not a realistic mixing depth, the seepage rate is the same as that used by Dames & Moore, the sulfate value was obtained from recent sampling by EID (April, 1988) of seepage from the old tailings ponds, and the hydraulic conductivity was obtained from the Dames & Moore report, and can be considered a worst case value.

The following issues remain unresolved with regard to the hydrogeologic environment of the Guadalupe Mountain site:

1. An appropriate depth for mixing has never been established for this site, though this parameter has been an issue from the beginning of the EID's evaluation of the discharge plan for Guadalupe Mountain. Dames & Moore did evaluate field data from the multiple-level piezometers installed in GM-4, and found that there was virtually no vertical gradient. As well, they argued theoretically that, because of the high transmissivity of this aquifer relative to the predicted seepage rate, there would be essentially no mounding effects as a result of seepage from the impoundment. At the meeting between EID and MolyCorp on October 19, 1988, the problem of an appropriate mixing depth was discussed, and geologic controls were employed by MolyCorp and Dames & Moore to justify the 100-foot mixing depth used. These geologic controls have not been quantified, and actually could be employed to argue from a completely opposite viewpoint. For example, one aspect of the geologic environment that has been established for the area is that there exists highly permeable interflow zones which could act as preferred pathways for ground water flow limiting the potential for mixing to a 10-20 foot zone in some areas.

2. The estimated hydraulic conductivity reported in the Dames & Moore study (April 19, 1988) of more than 420 ft/day is unreliable because the value was calculated from an apparent drawdown caused by a barometric response and has a high degree of uncertainty. Additionally, this value is on the high end of the range reported for fractured volcanic rocks in Freeze and Cherry's Ground Water (1979).

DISCUSSION OF HYDROGEOLOGIC ISSUES GUADALUPE MOUNTAIN AREA TAOS COUNTY, NEW MEXICO

This narrative is in response to Ms. Cynthia Ardito's questions and statements relating to previous hydrogeologic investigations by MolyCorp consultants at the Guadalupe Mountain site. These issues were in a letter from Ms. Ardito, New Mexico Environmental Improvement Division (EID), dated December 7, 1988, and addressed to David Shoemaker of MolyCorp, Inc. Page numbers identified in the text below refer to Ms. Ardito's letter.

UPDATE ON STATUS OF OUTSTANDING DELIVERABLES

Issue (Page 3): EID identified information that was not in the Dames & Moore April 19, 1988 report. This information included:

1. A regional water balance to evaluate if previously published underflow/accretion values are realistic; and
2. Stiff diagrams for water-quality data from GM-4 and GM-5, plus a discussion of how these data compare to other regional data.

Response: Both of these issues have been addressed in reports delivered to EID subsequent to Ms. Ardito's December 7, 1988 letter. Results of these studies, which confirmed previous MolyCorp positions, are given below:

1. A regional water balance was conducted by staff of Vail Engineering, Inc. and submitted to MolyCorp, Inc. on December 29, 1988. The calculated yield of the Guadalupe Mountain drainage area is 49.36 cfs. This value compares very closely with values derived from river accretion analyses reported in the Dames & Moore 1988 publication.
2. Analysis of GM-4 and GM-5 water-quality data was conducted by staff of Harding Lawson Associates (HLA) and submitted to MolyCorp, Inc. on November 28, 1988. The data indicate that:

- Water chemistry of GM-4 and GM-5 samples is similar to that at Big Arsenic Springs and the BLM Headquarters well, thus supporting a regional ground-water flow system concept; and

3. A hydraulic gradient of 0.0007 ft/ft was employed in the Dames & Moore 1988 field study, while a value of 0.0037 ft/ft was used in their 1987 study. Though it was assumed that this new value was obtained from the water levels established for GM-4 and GM-5, this change of values was never explained. As well, these new water level data were not compared or contrasted with existing water level data to support the regional flow direction. This should be basic information to any hydrogeologic study of an area.

The following information was not included in the Dames & Moore report:

1. A regional water balance for the area to determine if underflow/accretion values are realistic was not included in the study. Underflow estimates have been supported in earlier Dames & Moore reports with data from the accretion studies of seeps observed along the Red River and Rio Grande.
2. Stiff diagrams for water samples from GM-4 and GM-5 were not compared with Stiff diagrams for existing water-quality though this approach was used in the 1987 Dames & Moore report.

Given the complexity of the hydrogeologic environment of this area as well as the disappointing results and analysis of the recent field study by Dames & Moore, EID is unsure at this time what further useful knowledge could be gained by requiring additional hydrogeologic field investigations of this area (though the information listed above should be submitted as soon as possible).

Presently, the Ground Water Section is closely evaluating existing information pertaining to seepage control through pond management. Research in this area suggests that it is possible, with appropriate management and technology, to reduce seepage rates to negligible quantities. Given the uncertainties and complexities which exist with respect to the hydrogeologic environment of Guadalupe Mountain, EID feels strongly that, for discharge plan approval to be possible, every effort must be made to mitigate and control seepage from the tailings impoundment.

Dr. Matish's presentation on November 16, 1988, was interesting and informative with regard to the many tailings impoundments that Geocon is involved with. It appears that, in his professional opinion, the most important mechanism for seepage control at a tailings impoundment, assuming appropriate pond management, is the tailings' ability to seal themselves. His discussions of seepage quantities from several tailings impoundments in Canada that have been studied by Geocon, some of which were presented in their report T10729A, employed the assumption that there was no significant seepage through the base of the impoundment, and that all seepage from the tailings reported to drains within the dams. Though Dr. Matish's experience and professional opinion are significant, his findings must be supported with data to substantiate this assumption. The following would be considered important supporting data (if any of this information has already been recently submitted please disregard):

1. Water-balance calculations to support that observed seepage rates are realistic given the volumes of water managed. Though it remains Dr. Matish's opinion that accurate values for seepage can not be obtained with this method due to the large volumes of water in

- The chemical heterogeneity with respect to major ions is small within the upper 100 feet of aquifer (GM-4 upper test and GM-5).

3. A third issue that Molycorp agreed to discuss was the mixing-zone thickness, which is the subject of a separate report discussed below. Results of that third report support a mixing-zone thickness, as a result of dispersion, sufficient to alleviate any concerns on TDS or sulfates.

**REBUTTAL TO HYDROGEOLOGICAL ISSUES
IDENTIFIED IN EID'S DECEMBER 7, 1988
LETTER TO MOLYCORP, INC.**

1. Issue (Page 1): EID claims that Molycorp consultants have failed to provide conclusive data that ground-water quality would not be adversely impacted as a result of proposed tailings disposal activities at Guadalupe Mountain.

Response: Philosophical differences of opinion exist. EID is unwilling to accept:

- The universally accepted practice of utilizing transfer value in the presence of limited, but valid, data; or
- The value of professional opinion and judgment.

To adopt a position of "take more time and spend more dollars" is both impractical and futile in complex hydrogeologic regimes. Molycorp's consultants have consistently held that, in the complex hydrogeologic regime of this study (acknowledged by EID, Page 2), the only valid approach is to look regionally, gather reasonable data, and apply the experience of others in similar environments. Collection of additional point-specific data is expensive and impractical if sufficient data exist to characterize aquifer parameters. Aquifer characteristics are sufficiently known and support Molycorp's position that ground-water (and surface-water) quality will not be adversely impacted by proposed disposal activities.

Both EID and Molycorp agree that metals are not an issue; total dissolve^d solids and sulfates are the constituents of concern. The 5 years of investigation by Molycorp's hydrogeologic consultants have demonstrated that the hydrogeologic environment will safely attenuate these chemical constituents of concern.

consideration as well as the uncertainties inherent to the these type of calculations, EID is not convinced at this time that, given careful consideration of a problem at a small site where a lot of data exists, water-balance calculations would not be useful to judge the validity of assuming that negligible seepage occurs through the base of an impoundment.

2. Data from instrumentation, such as lateral drains and piezometers, through the base of an impoundment to support the absence of seepage.

3. Shallow, downgradient monitor wells close to large impoundments which have not shown impacts to water quality.

Additionally, after review of MolyCorp's proposed plan of operations for the Guadalupe Mountain site, it is apparent that more detail is necessary to ensure that proper management and appropriate seepage-control strategies are initiated and maintained at the site. As stated earlier, it is EID's opinion that seepage mitigation and control are of paramount importance at the Guadalupe site. In that light, the following questions and requests for additional information are submitted:

1. The September 24, 1987, letter from Michael J. Burkhardt to MolyCorp clarified EID's position that it was not suggesting lining the tailings impoundment with a synthetic liner as a method of seepage-control (though a synthetic liner would work well in seepage canals and evaporation ponds); however, the use of a compacted clay liner, to be constructed from native materials if possible, as a means for seepage mitigation remains a viable mechanism for seepage control from this facility. At this time, EID can not approve MolyCorp's discharge plan given the uncertainty of ground-water contamination; therefore, if MolyCorp intends to proceed with the Guadalupe site, it should seriously consider the prospects for a clay liner at this facility.

2. Dust control through spray irrigation would become necessary at the inactive areas of this site, and yet this process only adds to the problem of seepage (as is well demonstrated at the existing tailings impoundment). How will MolyCorp manage this pond (e.g., through ongoing revegetation practices) to minimize the necessity of this practice?

3. A detailed description of the centerline method of tailings dam construction is necessary (i.e., where and how will the native materials be obtained and used, where will cutoff walls or trenches be located at the dams, how will the drains be installed, how will the seepage from the dams be controlled, what methods will be employed to completely contain this seepage with lined channels and evaporation ponds?).

4. Sand embankments or beaches are areas within a tailings pond which have higher permeabilities. What methods will be employed in these areas to control seepage (e.g., clay lining, drains, cut-off trenches)?

5. As stated in the Geocon study, T10729A, seepage rates are dependent on proper design of retention dams and good management practices. The

2. Issue (Page 1 and Page 2): EID had agreed that all available data point to a highly transmissive aquifer in the vicinity of GM-4 and GM-5. EID also accepted that a hydraulic conductivity (K) of 420 ft/day is the worst case value.

Response: MolyCorp agrees that 420 ft/day is a worst case value. This value of K is the equivalent of ground water flowing through clean coarse-grained sand and gravel and is equal to 3142 gpd/sq. ft. (see Fetter, 1980, p. 73, for conversion factors).

There is an inconsistency in EID's position. Whereas EID accepts 420 ft/day as the worst case K, they simultaneously argue that any higher value is unreliable because it cannot be quantitatively measured. How can something be the worst case as well as the only case? This issue is further addressed in the "calculations" section below.

3. Issue (Page 4): EID states that an appropriate mixing thickness within the upper aquifer has not been established. EID argues for 25 feet or less, apparently because EID believes highly permeable interflow zones exist as preferred pathways. EID argues that geologic controls to a mixing depth have not been quantified.

Response: Mixing depth is not solely a function of geologic controls. Other factors, which may be indirectly related to geologic controls, must be considered. These factors include vertical gradients, volume of underflow, thickness of aquifer, and hydrodynamic dispersion. The latter factor, dispersion, appears to be of high significance in this case.

Dispersion is a mixing process that occurs as a result of mechanical mixing and molecular diffusion (Freeze and Cherry, 1979, p. 75). In this case, diffusion may not be as active as mechanical mixing due to flow velocity. Dispersion (mixing) in the aquifer system under Guadalupe Mountain has a similar effect as turbulence in surface-water flow: the solute spreads out (three-dimensionally) and decreases in concentration.

When the December 7 letter was written, EID was not yet in possession of a report subsequently issued (December 13, 1988) by Harding Lawson Associates (HLA) that describes results of utilization of a mass-transport solution in defining the thickness of a mixing zone. That report presents data that show deep distribution of solutes below the water table. Total dissolved solids were modeled using conservative input parameters of plume size, seepage rates, hydraulic conductivity, gradient, and concentration of TDS at the water table. Attenuation and spreading within the vadose

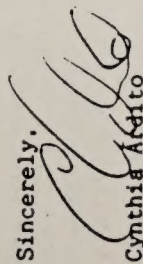
48-16
Cont.

report describes many important management practices such as minimizing the area of the decant pond, and discharging from the west dam to limit the clarification pond location to the east dam area. Molycorp's Plan of Operations either discusses in part or leaves out completely many of the recommendations in the Geocon report. Does Molycorp plan to adopt all the recommendations described in this report? How will Molycorp verify to EID through status reports, including documentation by a professional, that good management practices are being maintained at the site? As stated in the Geocon report, the first year of operation requires close onsite evaluation and control? What will be the nature of this evaluation and who will be conducting it? EID will require a report of this phase of the operation. Will Molycorp commit to cycloning tailings to ensure maximum slime coverage and installing lateral drains for monitoring under the tailings pile during this first phase?

6. The Geocon study indicates that keeping the decant pond as small as possible will help to minimize seepage by keeping the water as far as possible from the sand embankments. Please describe in detail how Molycorp will manage this problem.

In conclusion, Molycorp has the choice to either conduct additional and extensive field studies to determine the nature of the hydrogeologic environment at Guadalupe Mountain or to commit to using the best available technology to mitigate and control seepage from the tailings impoundment. Please respond to the above as soon as possible. If you require clarification, feel free to call me at 827-2703.

Sincerely,


Cynthia Adito

cc: Kent Hamilton, BLM
EID-Taos Field Office
Joe Mirabal, BLM-Taos
Randy Gabriel, District 2 Office

zone were not allowed. The simulated depth of vertical migration of solutes at the down-gradient edge of the source (a point on the water table vertically below the down-gradient edge of the pond) varied from 250 feet to over 590 feet below the water table. The center of mass of solutes was 41 feet to 82 feet below the water table. It was thus demonstrated that, even in the absence of a vertical gradient, hydrodynamic dispersion (largely via mechanical mixing) would result in a mixing zone thickness substantially greater than 25 feet, and in fact greater than 100 feet. No New Mexico water-quality standards would be violated, even with the conservative input parameters to the model.

As to the suggestion by EID of interflow zones, the geologic logs (based on examination of cuttings from GM-4 and GM-5) do not show such interflow zones. In GM-4, a single-flow unit exists from 720 feet below land surface (fbls) to 850 fbls, with the water table occurring at 790 fbls. Thus, below the water table there is a 60-foot unit with no interflow zones. This unit overlies an 80-foot-thick unit that has no interflow zones.

In GM-5, a flow unit occurs between 480 fbls and 590 fbls, with the water table at 505 fbls. Thus, there is an 85-foot-thick unit below the water table with no interflow zones. This unit overlies a 40-foot (or greater) unit that has no interflow zones (the drill hole was completed 40 feet into this latter unit).

Geologic evidence does not support interflow zones in the upper aquifer system, even though such zones do occur within younger rock units as can be seen in outcrops. Also, geophysical logs do not support evidence of interflow zones in the upper aquifer.

Additionally, when one views the Guadalupe Mountain area regionally, it is recognized that faulting activity has disrupted aquifer systems that lie between Guadalupe Mountain and down-gradient ground-water discharge points such as Big Arsenic Springs. As a result, to project flow-channel continuity within the same rock units is not reasonable.

4. Issue (Page 4): Vertical ground-water gradients are virtually non-existent.

Response: This may be an academic issue in view of HLA's mixing-zone modeling. It is true that piezometer readings in GM-4 show a questionable downward gradient. Other evidence, indirectly at least, suggests there is a downward gradient. This is seen in the different water levels within GM-4 and GM-1. A 3.5-foot water-level difference occurred in these

two cased drill holes, which are located about 100 feet apart and have depths of 1207 feet (GM-4) and 1010.5 feet (GM-1). The lower water level is within the deeper drill hole.

5. Issue (Page 5): The differences were never explained relative to ground-water gradient values used in the 1987 and the 1988 Dames & Moore reports. These values were, respectively, 0.0037 and 0.0007. New water-level data (in GM-4 and GM-5) were not compared with previous water-level data to support a regional flow direction.

Response: The 1987 gradient value (0.0037) was based on differences in water-table elevations between GM-1 and the BLM-Headquarters well. The 1988 gradient value (0.0007) was based on water-table elevations between GM-4 and GM-5.

An average gradient between the GM-1/GM-4 wells and GM-5 is approximately 0.001 ft/ft. The gradient between GM-5 and the BLM-Headquarters well is approximately 0.005 ft/ft. The overall average from the GM-1/GM-4 wells and the Headquarters well is approximately 0.004 ft/ft.

GM-5 is approximately halfway between GM-1 and the Headquarters well. Thus, it would appear that a flatter gradient is closer to Guadalupe Mountain, and a steeper gradient is between GM-5 and the Headquarters well, suggesting more permeable conditions toward Guadalupe Mountain.

Direction of flow is within the southwestern quadrant.

CALCULATIONS OF ANTICIPATED DRAWDOWN IN GM-5 AND OF AQUIFER THICKNESS

Calculation of Drawdown

One of the EID comments was that reliable data were not generated during the aquifer tests of GM-4 and GM-5. Whereas EID does accept 420 ft/day as a worst case value of hydraulic conductivity (K), EID will not accept higher values of K as suggested from theoretical approaches utilized by Dames & Moore (1988). EID argues that a K value greater than 420 ft/day is unreliable as the value was calculated from an apparent drawdown that may have been caused by a barometric response.

If one uses Jacob's method [see for example Kruseman and DeRidder (1970)], a value of drawdown can be calculated from known (and accepted by EID) parameters.

$$s = C Q / 4 \pi KM$$

Where: s = drawdown, in feet
 C = a residual constant of 2.3, with dimensions of minutes/day
 Q = pumping rate, in gallons/minute
 K = hydraulic conductivity, in gallons/day/sq. ft.
 M = aquifer thickness in feet, here equal to the screened section.

$$\begin{aligned} \text{Thus, } s &= (2.3) (175) \\ &\frac{(4) (\pi) (3142) (100)}{=} \\ &= 0.0001 \text{ foot.} \end{aligned}$$

When GM-5 was pumped for 48 hours at a rate of 175 gpm, the theoretical drawdown to be anticipated would, therefore, be 0.0001 foot. Thus, it was conservative to use a higher figure of "s" in earlier calculations.

2-88

Calculation of Aquifer Thickness

The thickness of the aquifer (M) can be calculated if ground-water flow volumes, gradient, hydraulic conductivity, and cross-sectional area of flow are known as shown below:

$$Q = K i L M$$

Where: Q = flow volume, in gallons/minute. This value has been established in two studies as approximately 10 cfs/mile or 4500 gallons/minute (Dames & Moore, 1988; Vail Engineering, 1988).

K = hydraulic conductivity, in gallons/day/sq. ft.

i = gradient, in ft/ft

L = cross-sectional width, in feet

M = aquifer thickness, in feet, which can be calculated as follows:

$$M = \frac{(Q) (C)}{K i L} \quad [\text{Where } C = \text{constant, minutes/day}]$$

$$= \frac{(4500) (1440)}{(3142) (0.001) (5280)}$$

$$= \frac{6,480,000}{16,590}$$

$$= 390 \text{ feet}$$

Using a different gradient:

When $i = 0.004$, $M = 100$ feet.

Thus, using K values accepted by EID, flow volumes (Q) established by previous studies, a unit cross-sectional (L) of one mile, and a range of gradients (i), it can be seen that the thickness of aquifer required to accommodate the flow volume is at least 100 to 400 feet.

Finally, the data generated in the HLA report (1988b) show adequate mixing within this aquifer to dilute solutes sufficiently that no State water-quality standards are violated.

SUMMARY OF STATEMENTS ON THE GUADALUPE MOUNTAIN HYDROGEOLOGIC REGIME

Hydrogeologic, geologic, and water-quality studies have been conducted by MolyCorp for over five years on the Guadalupe Mountain site. These studies have been by staff of MolyCorp, Water Resource Associate, Vail Engineering, Dames & Moore, and Harding Lawson Associates. During the study period, sufficient data have been generated to enable a regional description of the most likely ground-water flow regime under and downgradient of Guadalupe Mountain. Additionally, the ambient water chemistry of the regional flow system has been characterized. Throughout all these studies, MolyCorp has consistently argued that the hydrogeologic environment can be viewed in a regional context.

In all cases where calculations have been made, MolyCorp and its consultants have utilized conservative numbers and assumptions. Thus, when a conclusion was stated, it was conservative, or, as sometimes referred to, the "worst case."

Certain functions and parameters have come to be accepted through time: e.g., K values, range of seepage values, ability of the vadose zone to attenuate metals, degree of water-table mounding, ambient water chemistry, quadrant of ground-water flow direction, structural geologic controls to Big Arsenic Springs discharge, and others.

The EID has issued both valid and invalid questions or concerns. The latter would include earlier concerns over impact on Questa water supplies, impact on aquatic life in surface-water bodies, and a suspected pipeline short-circuiting solutes to surface-water discharge points.

Remaining EID concerns (at the time of the December 7, 1988 letter) relative to hydrogeology/water quality were:

- impact of TDS and sulfates on ground-water quality immediately downgradient of the site;
- thickness of the aquifer associated with mixing; and
- overall dilution potential of the ground-water system.

Given data generated in all previous studies, including recent studies newly identified in this report, it would seem reasonable to again request EID to take the regional approach, review the totality of data as a whole, and to consider the utility of transfer value. The specific issues are restated here:

1. Water-chemistry data support a regional ground-water flow system;
2. River accretion studies and a regional, comparative basin analysis support an under-flow volume of 50 cfs in the Guadalupe Mountain area (an average of 10 cfs per linear mile of cross section);
3. The aquifer thickness within which the 50 cfs of ground water flows is calculated at 100 to 400 feet;
4. The mixing-zone thickness, as supported by a mass-transfer solution, is greater than 25 feet and probably greater than 100 feet;
5. Neither geologic or geophysical logs show evidence of interflow zones within the upper aquifer;
6. The ground-water gradient ranges between approximately 0.001 and 0.005 ft/ft in an average flow direction toward the southwest;
7. Geologic evidence suggests ground-water flow from under Guadalupe Mountain is deflected from a south/southwest flow toward discharge in Big Arsenic Springs by a southeast/northwest-trending fault zone; and
8. In short, no adverse impact to New Mexico ground-water or surface-water quality will result because of the proposed Molycorp project.

LITERATURE CITED

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- Fetter, C.W., Jr., 1980, APPLIED HYDROGEOLOGY: Ch. E. Merrill Publishing Company, Columbus, Ohio, 488 pp.
- Freeze, R.A. and Cherry, J.A., 1979, GROUND WATER: Prentice-Hall, Inc., Englewood Cliffs, New Jersey, 604 pp.
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RECEIVED

BLM P.O. Box 3142

Mr. Robert Dale
Bureau of land management
Albuquerque district office
435 Montana NE
Albuquerque, N.M. 87107

39 FEB 6
Taos, N.M. 87571
February 1, 1989

010 ALBUQUERQUE, N.M.

Dear Mr. Dale

We are writing regarding the proposed Guadalupe mountain tailings site, that MolyCorp of America is currently applying to patent.

There are many concerns around this issue. Yet, it seems a very basic, beginning rule has been overlooked. Why is the BLM proceeding to assess the environmental impacts to a proposed action that should not even be considered because the 1872

mining law statutes which the company is making application under, and the subsequent patents of the lands, when the law specifies that a mining use of land cannot be considered unless the mine is in actual operation. (As per the prudent man theory, as spelled out in the 1872 mining law.) Application for private use of public lands, for mining purposes are not valid unless the mine is operating and producing income.

As it is obvious that MolyCorp is not operating or producing at this time, we make this request to halt the process of environmental impact assessment, until MolyCorp is in full accordance with all laws applicable to this request.

The BLM has an obligation to tax paying citizens, especially those affected by BLM decisions.

Sincerely
Robert Watt

Colley Hope

Jamie Rod

Julia Varguez

49-1

Refer to Response to Comment 39-2.

Letter 50

Response to Letter 50

Bureau of Land Management
Albuquerque District Office
Albq. N.M. 87107

RECEIVED
BLM

39 FEB 6 P 4: 06

010 ALBUQUERQUE, N.M.

Dear Mr. Dale,

I'm very concerned about the proposed additional tailings site in the Guadalupe Mountain saddle by Molycorp. of Questa, N.M. In a world where unharmed natural resources, such as clean air and pure water, are becoming increasingly scarce, I pray that the BLM will make protection and preservation of these blessings their prime concern.

In studying the Environmental Impact Statement for the Molycorp Guadalupe Mountain Tailings Disposal Facility, I have noticed many contradictions, repeat statements, and blatant omissions. I question the validity of this report and am saddened that the BLM approves the project so far, in conjunction with the findings of this report.

An obvious example of a blatant omission occur on pages 1-13 and 1-15. Table 1-2 lists the typical chemical analysis of the tailings. There are 28 chemicals included. On the following page, table 1-3 examines the typical water quality discharged from the tailings impoundment. Only seven chemicals are listed.

Table 1-2 on page 1-13 of the Draft EIS represents a chemical analysis of a dry tailings sample. Revised Table 1-3 (see Section 3.2 of the Final EIS) lists some of the constituents found in water discharged to Pope Lake and the Red River. Aluminum and uranium have not been measured. Extensive hydrologic and hydrogeologic studies conducted for this project have shown that no state surface or groundwater quality standards would be exceeded as a result of the proposed project.

50-1

Cont.

Are we to assume that the remaining 21 chemicals have been completely filtered out? What are the percentages of the other 21 chemicals in the water discharged from the empondment? Particularly Lead, Aluminum, Arsenic and ~~toxin~~ Uranium.

A letter from Gayle Margas, (field solicitor) to the BLM Associate State Director in Santa Fe, state that "some contamination of rivers is permissible". Can our environment afford a "little" more contamination? A little here and a little there will surely add up.

My second question is in regards to the visual impact and undo land degradation of the proposed tailings site. Within the summary of the EIS, it has been stated that additional roads, buildings, pipelines and/or open channels will be created in addition to the tailings ponds themselves. The area is to be fenced in to prevent "unauthorized access". How high will this fence be? Of what material will it be constructed? Also because this site will need to be monitored so closely will it require lighting at night? At present from behind the mountains to the north east of my home on Lama Mountain I can see an amber glow in the evenings. This light is from the main mining facility.

Guadalupe Mountain is in my direct view to the north west. My home is in line with your

2-94

50-2

The fence would be 3-strand barbed wire as noted on page 1-5 of the Draft EIS. It would be no more than 4 feet high. Lighting is addressed in Response to Comment 50-3.

50-2

key observation point #3. There are no other 2.
mountains around Guadalupe Mountain to obscure
lighting. If the lights are needed at the Guadalupe
site, what will the effects be on the wildlife and
human populations in the area? How about the effect
on the Wild & Scenic River Campground nearby?
How can lights penetrating our night sky be disguised?

Perhaps we live in a world where we are
trapped by our own technology between forward
advancement and the destruction of our very lifeline.
It seems to me, at some point, we must say "NO
MORE" to pollution and undo degradation. "NO MORE"
to destruction. The human race is intelligent and
creative. Can we not begin to emphasize the importance
of caretaking in our actions here on earth? Can not our
actions be of long term benefit, restoration, and beauty to
this our home? At the rate we are moving in
destruction, what will be left for future generations?
It is time to work together - the people, government,
and industry to insure that our planet will be
well protected and cared for - thus providing for
a splendid and safe future.

In Sincerity,

Julia Vaggone

There is no general lighting proposed for the facility. Small areas associated with maintenance facilities may be lighted as needed for use and security, but there would be little or no effect on aesthetics from such lighting.

50-3

50-3

RECEIVED
FEB 21 1989

TO: ROBERT T. DALE	03 FEB 7 12:00 2/5/89
BUREAU OF LAND MANAGEMENT	
ALBUQUERQUE DISTRICT OFFICE	010 ALBUQUERQUE, N.M.
435 MONTAÑO N.E.	
ALBUQUERQUE, N.M. 87107	
RE: MOLY CORP GUADALUPE MOUNTAIN TAILINGS DISPOSAL FACILITY	
DRAFT ENVIRONMENTAL IMPACT STATEMENT	
DEAR SIR,	
BELOW IS A LIST OF MY CONCERNS AND COMMENTS	
WITH REGARD TO THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)	
FOR THE PROPOSED MOLYCORP GUADALUPE MOUNTAIN TAILINGS	
FACILITY.	
51-1	1) THE NEED FOR THIS FACILITY IS ADDRESSED IN ONLY VAGUE TERMS IN THE DEIS. IT IS MY UNDERSTANDING THAT UPGRADING OF PRESENT TAILINGS DISPOSAL FACILITIES (SECTIONS 35 & 36) COULD RESULT IN ADEQUATE CAPACITY FOR 16 TO 18 YEARS OF TAILINGS STORAGE AT FULL MINE PRODUCTION. CONSIDERING THE PRESENT UNCERTAIN OUTLOOK FOR MOLYBDENUM, THE FACT THAT THE MINE IS NOT PRESENTLY OPERATING, AND THE HISTORY OF CYCLICAL DEMAND + PRODUCTION, THIS TAILINGS DISPOSAL CAPACITY IS LIKELY SUFFICIENT FOR 25-30 YEARS. APPROVAL OF THE MOLYCORP PERMIT WILL RESULT IN THE PATENTING AND PRIVATIZATION OF OVER 1200 ACRES OF PUBLIC LANDS.

51-1 See Response to Comment 2-2.

PAGE 2

DOESN'T THIS MEAN THAT A MORE THOROUGH EXAMINATION OF EXISTING TAILINGS STORAGE AND SOME ECONOMIC PROTECTION CONCERNING MOLYBDENUM DEMAND ARE NEEDED TO CLEARLY ESTABLISH THE NEED FOR THIS FACILITY? WITHOUT THIS NEED BEING BETTER JUSTIFIED AND DOCUMENTED IN THE ENVIRONMENTAL IMPACT STATEMENT, THE PUBLIC INTEREST WOULD BE BETTER SERVED IF PERMIT APPROVAL OF THE PROPOSED ACTION WERE DEFERRED.

51-1
Cont.

2) THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) CONTAINS A "TYPICAL ANALYSIS OF TAILINGS" (TABLE 1-2, PAGE 1-13) WHICH ANALYZES MINERAL COMPOSITION OF THE TAILINGS. NO INFORMATION IS GIVEN AS TO THE DATA WHICH SUGGESTS THAT THIS IS "TYPICAL". WHAT IS THE SIZE AND NUMBER OF SAMPLES ANALYZED? WHAT IS THE DISTRIBUTION OF SAMPLES OVER TAILINGS AREA, AND OVER TIME? IT SEEMS TO BE A FLAW OF THE DEIS THAT INFORMATION FROM AN INTERESTED PARTY (MOLY CORP. AS THE SOURCE LISTED) IS PRESENTED AS DEFINITIVE WITHOUT THE USE OF INDEPENDENT ANALYSES TO VERIFY ITS ACCURACY. SINCE THE ACCURATE ASSESSMENT OF IMPACTS IS SO DEPENDENT UPON THIS INFORMATION (AND ALSO TABLE 1-3, "TYPICAL WATER QUALITY DISCHARGED"), THE FINAL ENVIRONMENTAL IMPACT STATEMENT MUST ADDRESS THIS.

51-2

51-2

Table 1-2, Typical Analysis of Tailings, found on page 1-13 in the Draft EIS is based on sampling and laboratory characterization done in 1981. Two samples were collected, one from "dry" tailings, and the other from "wet" tailings. No information is available concerning the location or distribution of these samples within the tailings area. The samples were split, and one set was sent by the Questa School District to the Colorado School of Mines Research Institute (CSMRI) in Golden, Colorado. The other set was sent by MolyCorp to Camp Dresser & McKee Inc. (CDM), an analytical laboratory in Denver, Colorado. The "typical" results were those of the MolyCorp dry (or "settled" tailings" as labeled on the CDM lab report) tailings sample. The results of all samples were reviewed, but average values were not obtained at that time. In response to questions being raised now concerning average (as well as range) values, the laboratory results of all four samples have been averaged, and a range of values provided as well. The data are provided in the following table:

TAILINGS ANALYSIS RESULTS

	Parts Per Million	
	Average	Range
Aluminum (Al)	64,000	>10,000 - 65,000
Arsenic (As)	3.7	1.1 - 8
Barium (Ba)	740	<50 - 740
Boron (B)	5.2	1.3 - 12
Cadmium (Cd)	0.36	0.28 - <10
Calcium (Ca)	19,600	<10,000 - 20,300
Chromium (Cr)	78.5	60 - 87
Cobalt (Co)	24.7	8.9 - 37
Copper (Cu)	146	94 - 200
Iron (Fe)	30,600	>10,000 - 31,900
Lead (Pb)	105	70 - 180
Magnesium (Mg)	9,533	8,300 - >10,000
Manganese (Mn)	595	490 - 770
Molybdenum (Mo)	179.3	87 - 290
Nickel (Ni)	26.9	5.6 - 50
Potassium (K)	39,800	>10,000 - 39,900
Selenium (Se)	3.7	2.7 - 4.7 (<5)
Silver (Ag)	5.2	0.45 - 10
Sodium (Na)	16,733	>5,000 - 20,400
Uranium (U)	2.9	1.7 - 2.3 (<10)
Vanadium (V)	53.3	<40 - 60
Zinc (Zn)	179.5	98 - 240
Chlorine (Cl)	37.5	24 - 51
Cyanide	--	<0.4 - <1
Fluorine (F)	--	4,500 - >5,000
Silicon (Si)	>10,000	--
Sulfate (SO ₄)	4,743	1,000 - 7,790
Total Organic Carbon (TOC)	1,175	600 - 2,000

PAGE 3

3) THE DATA PRESENTED FOR THE DETERMINATION OF AIR QUALITY IMPACTS APPEARS TO BE INADEQUATE. ONLY ONE MONITORING SITE IS LISTED (QUESTA HIGH SCHOOL). THIS WOULD SEEM TO ELIMINATE FROM CONSIDERATION IMPACTS CAUSED BY WINDS FROM ALL DIRECTIONS EXCEPT SOUTH OR SOUTHWEST. THE WINDROSE PRESENTED (FIG. 2-1) SUGGESTS THAT WIND DIRECTION'S NORTH THROUGH WNW, AND SSE, THROUGH ESE WOULD CONTRIBUTE SUBSTANTIALLY TO AIR QUALITY IMPACTS. IT APPEARS THAT NO MONITORING OF AIR QUALITY IMPACTS FROM THESE DIRECTIONS WAS DONE. THE WINDROSE ITSELF, BASED UPON LESS THAN EVEN ONE FULL YEAR OF METEOROLOGICAL MONITORING, DOES NOT ADEQUATELY ESTABLISH LOCAL PATTERNS OF PREVAILING WINDS.

51-3

4) THE TREATMENT OF CULTURAL IMPACTS CONSIDERS ONLY ARCHEOLOGICAL SITES WITHOUT ADDRESSING HISPANIC CULTURAL IMPACTS. LOCAL HISPANICS HAVE A LONG HISTORY OF USE OF THE GUADALUPE MTNS. FOR FUELWOOD, PINON GATHERING, LIVESTOCK GRAZING, WILDLIFE, AND RELIGIOUS PURPOSES. SOME LOCAL HISPANICS FEEL THAT THESE LANDS WERE UNFAIRLY APPROPRIATED BY THE FEDERAL GOVERNMENT IN THE FIRST PLACE. THIS SEEMS A SERIOUS OVERSIGHT IN THE PRESENT DOCUMENT.

51-4

5) THE DEIS DOES NOT PRESENT ANY CRITERIA FOR THE ESTABLISHMENT OF "NECESSARY DEGRADATION."

The average of all samples (by parameter), as provided in the above data, is basically similar to the "typical" values provided in Table 1-2 of the Draft EIS, although most values are slightly higher or lower as follows: the arsenic average is slightly higher (3.7 versus 2.7), cobalt is higher (24.7 versus 8.9), copper is higher (146 versus 94), molybdenum is higher (179.3 versus 130), nickel is higher (26.9 versus 5.60), zinc is higher (179.5 versus 98), chlorine is higher (37.5 versus 24), and total organic carbon is higher (1,175 versus 600); conversely, chromium is lower (78.5 versus 87), lead is lower (105 versus 180), selenium is lower (3.7 versus 4.7), and silver is lower (5.2 versus 5.5).

In addition, it should be reemphasized (see Response to Comment 20-2) that the Soil Conservation Service (SCS) Plant Materials Center in Los Lunas, New Mexico plans to sample Molycorp tailings materials in July 1989 as part of their plant uptake studies. These samples will be analyzed at the New Mexico State University laboratory, and results will be available upon completion.

The New Mexico EID monitor at Questa High School is the only air quality monitoring data available in the area. The monitor was located where existing impacts would be expected to be at or near maximum. The suitability of the on-site meteorological data used in the Draft EIS is addressed in Response to Comment 27-3.

Refer to Response to Comment 27-4.

PAGE 4

SINCE THE PROPOSAL INVOLVES REGULATORY REQUIREMENTS UNDER BOTH THE MINING LAW OF 1872 AND THE WILD AND SCENIC RIVERS ACT OF 1968, INTERPRETATION OF "UNNECESSARY AND UNDUE DEGRADATION" REQUIREMENTS SHOULD NOT BE LIMITED TO DEFINITIONS DERIVED ONLY FROM CASE LAW WITH REGARD TO THE 1872 MINING LAW. "UNNECESSARY IMPAIRMENT" REQUIREMENTS OF THE WILD AND SCENIC RIVERS ACT WOULD SUGGEST A MORE STRINGENT THAN NORMAL DEFINITION IS REQUIRED AND THAT THE BLM MAY BE REQUIRED TO CONSIDER ALTERNATIVES WITH REGARD TO "DIRECT AND ADVERSE EFFECT" ON THE VALUES OF THE RIVER. THIS CONFLICT IN REGULATORY REQUIREMENTS IS NOT ADDRESSED IN THE DEIS.

51-5

6) INADEQUATE CONSIDERATION IS GIVEN TO THE VISUAL IMPACT OF THE PROPOSAL IN THE DEIS. THE PHOTOGRAPHS INCLUDED ARE OF POOR QUALITY AND TAKEN FROM THE WEST. RESIDENTS AND VISITORS NORMALLY VIEW THE GUADALUPE MOUNTAINS FROM THE EAST (HWY. 3 SIDE) AND FIG. 1-5 INDICATES THAT THE EASTERN DAM OF THE FACILITY WOULD BE SUBSTANTIALLY LARGER AND OF GREATER VISUAL IMPACT THAN THE WEST SIDE DAM. BOTH VIEWS SHOULD BE INCLUDED FOR CONSIDERATION IN THE FINAL EIS. IT IS MY VIEW THAT THE PROPOSAL WITH ITS LOCATION ABOVE AND TO THE WEST OF GUESTA WOULD HAVE AN UNUSUALLY HIGH DEGREE OF VISUAL IMPACT.

51-6

The southeasterly dam would be about the same length and elevation as the northwesterly dam, although it would be somewhat deeper than the northwesterly dam because of the deeper valley. The east side is analyzed relative to key observation point (KOP) 3 on Highway 533. However, under the BLM VRM system, the objectives for a Class III area are less stringent than for a Class II area. Consequently, the impact is not as severe relative to the established standards which are lower for Class III than they are for Class II (see Table 2-10, page 2-34 of the Draft EIS).

51-6

PAGE 5

I BELIEVE THAT MOLY CORP. INC. CAN PLAY A
VITALLY IMPORTANT ROLE IN THE DEVELOPMENT OF A
BALANCED ECONOMIC BASE FOR NORTHERN TAOS COUNTY,
BUT MOLY CORP. INC. ACTIONS MUST NOT BE ALLOWED TO
PRECLUDE DEVELOPMENT OF OTHER ECONOMIC SECTORS,
SUCH AS THE DEVELOPMENT OF TOURISM. THE DRAFT
ENVIRONMENTAL IMPACT STATEMENT CONCLUDES THAT NO
LONG-TERM SOCIOECONOMIC IMPACTS ARE ANTICIPATED AS
A RESULT OF THE PROPOSED ACTION. SINCE THE DEVELOPING
TOURIST ECONOMY IS FRAGILE AND HIGHLY COMPETITIVE, IT
WOULD SEEM THAT A PROJECT WITH A VISUAL IMPACT OF
THE MAGNITUDE OF THE PROPOSED FACILITY, AND WHICH WILL
PERMANENTLY ALTER THE LOCAL TOPOGRAPHY, MUST HAVE
LONG-TERM SOCIOECONOMIC IMPACTS.

51-7

SINCERELY,

Doug Bridges

DOUG BRIDGES

P.O. BOX 292

QUESTA, N.M.

87556

51-7

While the viewshed is important, the primary focus of the visitor to the Wild Rivers Recreation Area is the river canyon, which would not be altered by the project. Also, tourists approaching the area from the south currently face the existing tailings dam/pond complex on their approach to Questa. With no change to the attraction and an existing tailings complex in plain view to many visitors, it seems unlikely that the proposed project would result in more than a minor adverse effect on area tourism.

Letter 52

Response to Letter 52

Mr. Larry Woodward, #27-89
#EB 01 1989

I am requesting a
60 day extension period

for public comment
regarding the Polygroup
proposal for the Shadblow
pctn. Many people did
not receive a draft EIS as
requested until the last week-
the date of public hearings.

Sincerely for Wildlife

Oliver Cochran

PO 360

Arroyo Hondo, NM.
87513

Letter 52

Thank you for your letter.

RECEIVED
BLMBox 4308
Taos, NM 87571
6 February 1989

Robert T. Dale
District Manager
Bureau of Land Management
Albuquerque District Office
435 Montana N.E.
Albuquerque, NM 87107

39 FEB 7 All: 37
010 ALBUQUERQUE, N.M.

Dear Mr. Dale,

There are many reasons to support the reopening of the Moly mine in Questa. As a physician practicing in Questa, I have seen many patients who have been unable to afford needed health care due to the poor economic conditions caused by the closure of the Moly mine. Also, the psychosocial and domestic difficulties wrought by poverty are significant. So as a physician concerned about the well-being of the people of Questa and the surrounding community, I support the reopening of the Moly mine.

At the same time, it is necessary to point out a potential health problem that appears in the draft EIS for the proposed Guadalupe Mountain Tailings Disposal Facility: the problem of exposure to lead and the potential for chronic lead poisoning as a result of long term exposure.

As is widely known, lead can be a serious poison if it accumulates in the body. This happens because the body has no way to get rid of lead on its own, so the lead builds up as time goes by. In adults it can cause a number of problems, most commonly pains in the abdominal region, but usually adults aren't seriously affected.

Children, however, are much more susceptible to lead poisoning. As they grow, they absorb lead about 3 times faster than adults do. And the effect on children can be very serious; it can cause permanent brain damage, and even low levels can cause children to do less well in school or to have other problems. This is such a significant problem that in 1988 the federal government lowered the standards for the amount of lead exposure that is safe for a child.

In this letter I would like to describe why lead might be a problem from the proposed Guadalupe Mountain Tailings Disposal Facility, and what might be done to prevent it.

Description of the problem

There is a large amount of lead in the tailings from the Moly mine. As shown in Table 1-2 of the EIS, the level of lead in typical tailings from the mine is 180 ppm. Table 3-10 shows that this is 1058% (over 10 times) of the lead level in the average soil of the western United States (17 ppm), and 580% (almost 6 times) of the upper limit of normal for all western US soils. According to the draft EIS, lead is one of the three chemicals with potential health effects which is present in higher concentrations in the tailings than in average soils (page 3-38).

There are a number of possible ways that persons (including young children) could be exposed to this lead. These include water, dust in the air, and dirt. These are discussed in more detail below.

Exposure to lead in the water

The water from the tailings site will pick up lead and carry it away from the mountain. As discussed in the EIS, this water will then either become surface water, or else it will soak into the ground. If the lead gets into the drinking water, then some of the lead will be absorbed into a person drinking it.

Surface water

According to the EIS (page 1-14), the surface water that comes from the tailings site will be sent to the processing site to remove the remaining molybdenum, then discharged into Pope Lake, and then into the Red River. Molycorp has measured the chemicals in this discharge

53-1
Cont.

water, and the results are in Table 1-3. The EIS says (on page 3-8) that the water sent from the Guadalupe site and discharged after treatment should be chemically very similar to that discharged at Pope Lake. However, Table 1-3 does not report the results for lead, so we don't know how much lead is in the water when it leaves the treatment facility. Since this goes into the Red River (and above the fish hatchery), it is important to find out how much lead is going into the water.

Underground water

According to the EIS (page 3-9) there will be seepage of the tailings water into the underground water and the regional water table. Since most people in the area drink from well water, it is an important question whether any of the lead could get into their wells. The EIS states that this probably will not happen, but there are two large unanswered questions about the methods used in drawing this conclusion.

First, on page 3-10, the EIS states that the typical seepage water quality (based on the existing impoundment facility) was shown in Table 1-3. Unfortunately, as stated above, Table 1-3 does not give any values for lead.

Second, also on page 3-10, the EIS states that a modeling analysis (Dames & Moore 1987) predicts that lead will not get into the water table. They believe that it should take more than 30 years for the lead to travel to the water table, and they think that by this time the lead levels would be attenuated. Their conclusion is central to the issue of whether wells might be contaminated by the lead. However, a review of the data in the EIS shows strong evidence that this prediction is incorrect, and that lead does indeed reach the water table, and in significant amounts, and in much less than 30 years. This can be shown as follows:

The mean lead concentration in the well and springwater in ten locations in the area was reported in Table 2-5. It was found that this average concentration was 0.02ppm, which is quite good (the standard being 0.05ppm or below). However, according to Table 2-6, two of these ten sites had levels at or above 0.05ppm. The two sites which had these high levels were the BLM Headquarters well and Red River Fish Hatchery Spring Number One. These two sites with high values for lead were southwest of the existing tailings ponds. As stated on page 2-12, the general direction of groundwater flow is west-southwest or south-southwest. The other monitored wells were southeast of the ponds (see figure 2-3), and these had levels that were acceptable. Thus, it is reasonable to conclude that the reason the BLM and Hatchery water supplies had high levels of lead (while the other monitor sites did not), is that these sites were southwest, and hence downgradient, from the existing tailings ponds.

Thus the data contained in the draft EIS suggest that, contrary to the predictions of Dames and Moore, the lead from the tailings is not attenuated prior to reaching the water table. And not only does it reach the ground table, but it does so quite rapidly: the existing tailing ponds were only started in 1964 (page 1-1), and the samples were taken by Dames & Moore in 1983 and 1985 (page 2-13).

Also, the data in Tables 2-5 and 2-6 allow us to estimate how much of the lead in the BLM and Fish Hatchery water supplies is from the existing tailings ponds. Since the mean of the ten sites was reported as 0.02 ppm, and two of the sites were at or above 0.05ppm, the remaining eight sites must have averaged no more than 0.0125ppm. Thus the BLM and Fish Hatchery water supplies had lead levels that were 400% of the level in the wells which were southeast of the tailings ponds. Since there is no reason to suspect the eight monitoring wells to be better than the background water supply in terms of lead, this means that the EIS data show the wells downgradient from the existing tailing ponds have lead levels at least 400% over that of the background water supply.

Hence, there is reason to conclude that, again contrary to the predictions of the modeling analysis of Dames & Moore, lead not only can and will reach the water table, but it does so rapidly, and in very significant amounts--enough to increase the lead level by at least 400% and cause it to exceed the safety standards of the State of New Mexico.

Thus, in apparent contradiction to the conclusions of the EIS, analysis of the data contained in the draft EIS actually shows there is significant evidence of risk of lead contamination to water supplies of the region from the proposed Guadalupe Mountain Tailings Disposal Facility.

53-1

See Revised Table 1-3 in Section 3.2. The daily maximum value for lead discharged during pond operation is estimated to be 0.08 mg/l. MolyCorp's NPDES (National Pollutant Discharge Elimination System) permit for surface discharge into the Red River limits the allowable concentration of total lead in the discharge to a daily average of 0.3 mg/l with a daily maximum of 0.6 mg/l. The EPA Drinking Water Standard for lead is 0.5 mg/l. The New Mexico Water Control Commission does not have a published numeric standard for lead, but bases their standard on published EPA standards.

53-2

Current studies support a conclusion that lead would not be added to the groundwater system because of operation of the proposed tailings pond. Ambient groundwater quality does exceed New Mexico State Groundwater Quality Standards in several locations. Whatever the source of these elevated lead levels, the concentrations of lead would not be elevated from seepage out of the proposed pond. Lead would be attenuated in that it must travel downward within the unsaturated zone approximately 750 feet before reaching the water table. This traverse distance is considerably greater than at the existing tailings ponds as is the time of travel between pond and water table. The crucial element here is not comparing pond to pond, but comparing the hydrogeologic characteristics of existing and proposed ponds. Refer also to Response to Comment 29-4.

There would be no "effects of the pressure head from the elevated position of the proposed tailings site". A pressure-head impact to existing groundwater (saturated) conditions cannot occur within the unsaturated zone.

Fault activity may alter groundwater gradients, but faulting is not anticipated in the Guadalupe Mountain region. Even if renewed faulting did occur along historic fault traces, present data support the conclusion that no exceedances of water quality standards would occur because of dispersion by mixing in the aquifer immediately under the proposed site.

53-2

This has potential and very serious implications for the drinking water of the communities adjacent to the proposed Guadalupe Tailings site. Even though the general flow of underground water in the region is generally toward the southwest, other factors may change this in unpredictable ways, including post-faulting lithologies (page 2-9; Menges 1984) and the effects of the pressure head from the elevated position of the proposed tailings site above the surrounding territory.

53-2
Cont.

Other sources of lead exposure

Besides water, lead exposure can be from a number of other sources. It can be carried in the dust in the air. The risk for this is shown in Table 3-11. It also can be in soils on the ground (a problem for children who often play in the dirt). This risk is hard to assess, as the EIS provides no data on the lead content of the soil in the Questa area. Finally, lead can be encountered in the home in the form of tailings dust on the clothes of mine workers and in old wall paints. Again, the risk, if any, from these is unknown at present. However, in a situation where lead intoxication is a potential hazard, they all may contribute to the total lead burden.

53-3

Suggested approach

As stated at the start of this letter, it will be a good thing for Questa when the mine reopens. As responsible members of the community, it is our job to make sure that this is safe for the people of the area, and especially for the children who would be most affected by lead poisoning should it occur.

Before approval of the EIS and the proposed Plan of Operations is considered, it is essential that the unresolved issue of the health effect of potential lead exposure be adequately evaluated. The following suggestions are practical, reasonable, and should help to insure the safety of the community.

(1) Survey of lead levels in water

- Surface water evaluation.
 - Documents should be reviewed to see if lead levels were measured in the study of the quality of discharge water from tailings impoundment (Table 1-3).
 - Lead levels in water currently being discharged from the existing tailings ponds should be measured.
 - Lead levels in the Red River and Rio Grande should be measured.

53-4

• Groundwater evaluation

- Lead levels in wells and springs should be studied at multiple sites, including the region that appears to be downgradient from the existing tailings pond, to more accurately assess the impact of groundwater contamination from such a tailings site.
- A new analysis of groundwater flow and the potential for water-borne lead movement beneath and moving out from Guadalupe Mountain should be developed to replace the flawed model of Dames and Moore. Its predictions should be consistent with the data obtained from the existing and proposed studies of the wells and springs in the region.

53-5

(2) Survey of lead levels of the soils near Questa and Carriz

- Comment: although the lead levels in these soils are not a result of mining activity, they can potentially contribute to the lead exposure of children, and thus significantly affect the risk that additional exposure of the tailings disposal may represent.
- Lead levels should be assessed in the soils in the surrounding communities.

53-6

(3) Epidemiologic survey of existing lead burden in the population at risk

- Comment: since the human body cannot get rid of lead on its own, it is important to know whether the people of the area already have high lead levels. If they do,

53-7

53-3 The seriousness of heavy lead intoxication is not in question. As also mentioned in Response to Comment 71-1, however, the exposures in this case are not adequate to produce health problems. As shown in Table 3-11 on page 3-40 of the Draft EIS, the maximum potential airborne lead exposure is 6.67 percent of one-one thousandth of the Threshold Limit Value (TLV).

53-4 Lead levels are being monitored in existing tailings pond discharge and at surface water sampling locations.

53-5 Lead levels would be measured in any monitor wells required by the New Mexico Environmental Improvement Division as part of the Groundwater Discharge Permit. Lead levels would also continue to be monitored at those sample locations previously evaluated (e.g., BLM Visitor Center well, spring outflows, and elsewhere). The Dames & Moore model is not considered to be flawed. (Refer to the Response to Comment 53-2 for a discussion of this issue).

53-6 See Response to Comment 71-1.

53-7 See Response to Comment 73-3 regarding health studies.

53-7

Cont.

then even small increases in the amount of lead they are exposed to may cause damage from lead poisoning. If, on the other hand, the levels of lead in people are low, this may be somewhat less critical.

-- Blood should be drawn from people of the community at risk to check serum lead levels.

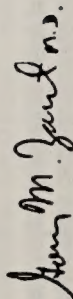
-- Serum lead itself, not delta ALA, should be measured (as delta ALA may be abnormal due to altered iron kinetics at the high elevation of Questa)

-- Various groups should be studied, including children of all ages, young adults, and former mine workers.

In summary, this letter documents the potential for a significant health risk from the proposed plans for the Guadalupe Mountain tailings disposal facility. The Plan of Operation should not be approved until this potentially serious health risk is adequately evaluated. The present draft EIS fails to do this. Indeed, in documenting the risk for lead intoxication, the current letter uses only data from the draft EIS itself.

However, a plan of action to correct this deficiency has been proposed. In this way, if a risk to the health of the people of this area exists, this risk can be identified and minimized. If such a risk is found not to exist, then construction can begin, and the EIS process will still have served to assure the health of the people living in the area.

Sincerely,



Gary M. Zaret M.D.

RECEIVED

February 7, 1989 ELM

33 FEB 8 P12:14

Mr. Robert T. Dale
Bureau of Land Management
435 Montano, N.E.
Albuquerque, New Mexico 87107

010 ALBUQUERQUE, N.M.

Dear Mr. Dale:

As chairman of the Citizens Committee of Cerro and Questa, I hereby present to you additional petitions which have been signed by concerned citizens of the area in support of the Molycorp plans to establish a new tailings dam in the Guadalupe Mountain west of Questa.

I presented a portion of the petition forms personally at the January 19, 1989, hearing in Questa, New Mexico. It is my firm belief that these signatures clearly represent the wishes of the local communities, and you would be doing a disservice to the signators if you did anything besides approve the Plan of Operations.

Please accept these signatures as a strong show of support for Molycorp and its efforts to establish a new tailings dam.

Very truly yours,

Gilbert Segura

Gilbert Segura

5860623

Letter 54 Thank you for your letter.

Letter 55

Response to Letter 55

My name is R. Gene Dewey; my address is 1201 West 5th St., in Los Angeles, and I am here representing Molycorp.

We all know that under the best of circumstances, the mining industry is cyclical. Molycorp in Questa has certainly witnessed this over the years. We have had many cycles since we have been in business since 1923. Yes, there have been some good times and there have been some bad times, and these are certainly the bad times for the moly business. Everything that has been said about the moly production and the moly market is true. In our industry we cannot simply plan for the present. Because of the cyclical nature of our product demand, we must plan for the future and the long term. That's why we're here.

I have been associated with Molycorp for over twenty years. I came here a few years after our start-up, and have been intimately involved in this operation during all this time.

At a meeting with Senator Domenici a year ago, I told him that this mine should be a government project. In the past years, there were only a couple of years that were marginally profitable. We've been trying to re-establish an operation that will provide good wages and benefits with reasonable security. In this business it is hard to provide absolute security, but since 1965, Molycorp has done reasonably well.

I am here today to respond to questions asking why the tailings pond is a condition of our re-opening.

We started this selection process in 1972. We identified new underground resources

The company invested 250 million dollars constructing a new mine.

We looked at alternative sites. Among those we looked at were:

the old open pit

Letter 55

Thank you for your letter.

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FEB 8 1974
ALBUQUERQUE, N.M.

the fish hatchery

Cerro (north of Cerro, south end of sunshine valley)

Columbine Canyon

and any other location in the area that was remotely suitable for tailings discharge.

To accommodate the tailings that will be generated by our underground orebody, we need an area that is environmentally acceptable and that will withstand the test of all applicable regulations and the review of all of the oversight state and federal agencies. We, along with all of the experts which we have had working on this project are convinced that the Guadalupe saddle is the best alternative available.

We hope to restart the mine and at least operate at a break-even rate. Our start-up will cost approximately 20 million dollars, and we have to be assured that we do have long term tailings discharge capacity in place before making that kind of investment. Therefore, if we have the necessary capacity in place, and we are operating in a break-even mode, some day, if the demand for moly increases, or there is a price increase, we may be able to recover some of our investment. We recognize that this may take several years. Our present facility contains between 8 to 10 years capacity. We need the time it will take to finalize the new dam designs, and to permit the new dam construction with the State Engineer; we also need the time it will take to construct the first stages of the dams. As you can see, we've been involved in this process for many years. If this project does not get permitted, then we will definitely not have the storage space we need. It's as simple as that.

MolyCorp has always worked closely with all local state and federal agencies as well as some environmental groups. We were one of the first industries in the state to conduct annual environmental tours of our properties. We want the environmental community to see what we're doing, how we're doing it, and why we're doing it. We plan to continue these information tours in the future.

Letter 56

Response to Letter 56

February 2, 1989
Box 351, El Prado, N. Mex.
Legions of Living Light

Attn: Robert T. Dale, BLM

Howdy Folks,

Having testified at your hearing in Taos, here are a few comments

I should add. When discussing the fact that the dam would eventually crack and leak, did I say it was 400 foot high when it is 400 foot

to be

long? Sorry, but still from the topography maps it's easy to see

how it could slip down more than 400 foot in altitude, and cover

miles as well. And what if seismic activities or volcanic eruptions

do disturb this project, who will be responsible, BLM or Moly?

Should specify that the worst miles to walk in Questa are

north from the Moly turnoff. Walking east from there is fine. I've

had similar allergic reactions on windy winter days in Taos,

but it always happens in that area of Questa.

It seems incredible that you project "no aquatic impacts - long

term" when so many will witness to fish kills. Does this mean that

you have done no studies on the effects of these tailings on the

Red River to date, or do you project "no impact" because such wildlife is already dead?

Took a meteorology class in college to find out how far the

wind blows. (This was in Nebraska, which like Questa seems to

have endless winds.) This seems like the kind of situation where

one could research that question. Not that you should pile a bunch

of tailings on top of a mountain and see how far they blow, but rather

do a study of the dispersion from previous operations, or perhaps

the renewed use of the two open ponds.

Is it true that MolyCorp already cleared a site for this project

with a fatal impact on many acres of ancient pinon ("some of the

See Response to Comment 64-5 and page 3-14 of the Draft EIS.

56-1

56-2

The comment refers to impacts on the Red River, apparently from past operation of MolyCorp's tailings lines from the mine site to the existing tailings ponds west of Questa. Because the lines are already in place, the existing tailings lines were determined to be out of the scope of the Guadalupe Tailings Facility EIS and as such have not been analyzed in detail for this impact statement (see Response to Comment 3-1). However, past information relating to water quality and related issues of the Red River have been reviewed as part of the general information base for this work. See Response to Comment 63-2 for a discussion on tailings line improvements and Response to Comment 27-9 for discussion of unregulated discharges as defined by the Environmental Protection Agency under their NPDES permit. Regulated discharges to the Red River are authorized under the NPDES permit. Toxicity testing of that discharge, as discussed on page 3-20 of the Draft EIS, has shown no impairment to aquatic life. There has been much recent work regarding the presence of heavy metals in the Red River both from natural and man-induced causes. Please see Response to Comment Q-28 for references to recent reports.

56-3

Other than an access road and small test areas, MolyCorp has not cleared any vegetation (including pinyon) on the mill site claims area on Guadalupe Mountain. Archaeologists, however, have conducted various cultural resources studies, including limited excavations, at the proposed site under a program approved by the New Mexico State Historical Preservation Office.

page 2

56-3
Cont.

biggest pinons I've ever seen")??? What is this rumor about?

Could Molycorp experiment with methods to turn this dust into solid matter? Large sized chunks, that is, which might be usable as construction material if it's really non-toxic? At least stack the chunks in some orderly manner in that pit where a mountain used to be? Perhaps they can reconstruct that mountain and prove that reclamation of their devastation is truly in the plans.

I agree that Molycorp is manipulating this situation. First the miners went on strike and despite the fact the prices took the blame, closing the plant was a typical Regan era union busting play. Now the demoralized miners are afraid to mention their greivances and instead take out their hostilities on those with less power.

After the hearing i went to the super market. While shopping beer cans and broken bottles arrived in the back of my truck. This week i was refused common-postal services because someone did not like my comments. Meanwhile, those Moly execs whose greed is making all the trouble are safe in their mansions in another state.

I join the request to set these issues aside until after the mine is operating. Then you'll need a new EIS with alternitave sites. Hopefully you'll find someplace out of the heavy winds on level ground.

If it matters, i've lived in Taos County longer than anywhere else, a total of eight years now. Began at Peter Duval's ranch near Tres Piedras, next to the Johns Mansville mine. Tailings from that operation flowed over our fences in giant waves. My mother was born in Albuquerque where i have relatives whom i've never met.

With hope this does more good than my scoping comments,

Love & light, Bonnie Bonneau

Bonnie Bonneau

56-4 It would not be economically feasible for Molycorp to manufacture construction materials from produced tailings as part of their Plan of Operations.

56-4

Letter 57

Response to Letter 57

P.O. Box 160
San Geronimo, NM 87564

Bureau of Land Management
435 Montana Rd.
Albuquerque, NM 87107

February 1, 1989

Dear Mr. Woodard:

Due to the increased public interest in the proposed Guadalupe talings site we are requesting an extension of the comment period by sixty days. We represent families in Latir (7 miles north of Grants) and La Bama (6 miles south of Grants), many of whom went to the January 20 meeting in Grants. Many of us couldn't get copies of the EIS until the week before this public meeting. Also we were informed that at the time of the hearings the New Mexico Environmental Improvement Division had not submitted essential data concerning air and water quality impacts from the existing and proposed talings sites.

Listening to the over 2 hours of public testimony at the Grants meeting that was directed to pointing out gross deficiencies and omissions in the draft EIS, we realized that more time was needed for scrutinizing this document. Petitions are still circulating in Grants and La Bama. If citizens are to give valid public input, then accurate data and information are essential to making an informed decision. BLM has an obligation to tax-paying citizens, especially those directly affected by BLM decisions, to provide ample time and opportunity to comment on the use of public lands. The only public meeting on the draft EIS was in a place too small to accommodate all the interested public, and was held in English, thus not meeting the needs of a significant Spanish-speaking population in the Grants area.

We await your reply as soon as possible so that we can explore other legal and administrative avenues open to us.

Sincerely,

Colley Hope, Julia Vazquez
Robert Watt, Jamie Ash

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BLM

99 FEB 7 P 4:21

010 ALBUQUERQUE, N.M.

Letter 57

Thank you for your letter.

TAOS COUNTY ECONOMIC DEVELOPMENT CORPORATION
P.O. BOX 1389 TAOS, NEW MEXICO 87571 (505) 758-8731

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39 FEB 7 P 4: 29

010 ALBUQUERQUE, N.M.

February 3, 1989

Mr. Robert T. Dale
District Manager
Bureau of Land Management
435 Montano NE
Albuquerque, New Mexico 87107

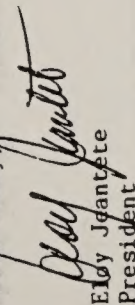
Dear Mr. Dale:

The Taos Economic Development Corporation, although not a political body, but a group of concerned citizens interested in attracting new and clean industry to our community, has taken a hard look at a request for support concerning the proposed Guadalupe Tailings Disposal site.

Our concern is that extreme precautions be taken to make sure that Moly Corp. Inc. adhere to all state and federal laws and make sure that great care is taken to protect the quality of the environment which the citizens of Taos are proud of and have come to expect.

If Moly Corp. is able to accomplish this satisfactorily, we will support their efforts. We will welcome the additional jobs that it would bring to the community.

Yours truly,


Elroy Jeanette
President

SCS

Letter 58 Thank you for your letter.

Letter 59

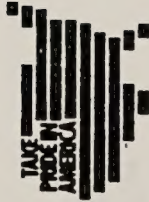
Response to Letter 59



United States Department of the Interior

NATIONAL PARK SERVICE
SOUTHWEST REGION

P.O. BOX 728
SANTA FE, NEW MEXICO 87504-0728



IN REPLY REFER TO

L7619 (SWR-PPE)

3 FEB 8 PI: 16

FEB 7 1989

010 Albuquerque, N.M.

Memorandum

To: District Manager, Albuquerque District, Bureau of Land Management,
Albuquerque, New Mexico

From: Associate Regional Director, Planning and Resources Management,
Southwest Region

Subject: Review of Draft Environmental Impact Statement for MolyCorp Guadalupe
Mountains Tailings Disposal Facility, Taos County, New Mexico
(DES-88/55)

We have reviewed the subject statement and have the following comments.

Enclosure 2-1 in Appendix A indicates a public concern that "the EIS should provide a detailed analysis of alternative sites." The response states that "alternative site locations...will not be considered or analyzed in the EIS;" 43 CFR 3809.2-1(d) is cited as the reason for only analyzing the impacts of the proposed action as described in the plan of operations. According to our 1987 and 1988 updates, 43 CFR 3809.2-1(d) does not exist. Further, 43 CFR 3809.2-1 addresses environmental assessments, not environmental impact statements.

This response also states that only the proposed action as described in a submitted plan of operations can be analyzed. However, the Council on Environmental Quality regulations require the analysis of all feasible alternatives. Relying solely on the company's analysis of alternative sites in the plan of operations does meet National Environmental Policy Act requirements. The environmental impact statement should independently analyze other alternatives.

Tailings ponds are generally designed so that seepage will reduce the amount of water that must be subsequently treated before being released into a stream. While MolyCorp plans to use some unspecified material that will reduce seepage to the water table, a substantial amount of seepage will occur. Since water from the tailings pond does not go through the ion exchange plant where excess molybdenum is removed prior to discharge into the Red River, the water that seeps into the groundwater system will still contain excess molybdenum. If the tailings pond water is not pure enough to be released into a stream, then it isn't pure enough to be released into the groundwater system, either. We recommend that MolyCorp be required to use an impervious liner for their tailings ponds to eliminate or further reduce seepage.

59-1

See Section 1.4, Consideration of Alternatives, and Response to Comment 21-1. The reference to 43 CFR 3809.2-1(d) should be 43 CFR 3809.2-1(a).

59-2

Please see the Responses to Comments 48-12, 62-2, 62-3, and 63-6 for a discussion of why synthetic pond liners would not be necessary.

59-1

59-2

59-3 The document states that air quality standards, primarily TSP, "could be exceeded on some occasions" but then seemingly dismisses the significance of the exceedances by stating that "...these impacts would be considered a nuisance rather than a public health hazard." We recommend that the statement be revised to include additional mitigation measures to that attainment of air quality standards can be ensured.

Eldon J. Reyes

cc: Chief, Mining and Minerals Branch, Denver Field Unit (DSC)
Attention: Dave Herrington

59-3 Revised mitigation measures for air quality are included in Section 1.5 the Final EIS. Please refer to Response to Comment 48-6.

Letter 60

Response to Letter 60

Feb. 3, 1989

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To Robert T. Dale,

So far P.F. haven't gotten the impression that Molycorp has 39,500 acres open to mining any time soon. I think it is bad morals, and a political tactic to state that the mine is only open when the Guadalupe Mountain site is permitted to be a tailings pond. If Molycorp (UNOCAL) wants a new tailings pond approved, they (UNOCAL) should first prove that they will reopen for mining by reopening the mine. They could be mining today, using the existing tailings pond, and continue mining everyday for many years. Giving a closed mine permission to destroy natural resources and relocate (if not destroy) wildlife, so they can build a tailings pond when they already have one existing with many years of use, would mean the BLM is breaking the Federal law by permitting "unnecessary and undue degradation" to the Public's BLM land.

If the BLM were allowed to break that law and permit the construction of the tailings pond at Guadalupe Mountain, only approximately 30 workers would be hired if the conditions improved in the molybdenum market. Construction activity would take only 18 months to complete, and the anticipated workforce would be comprised of some of the 15 current Molycorp employees. The Construction would be: ① Eliminate 825 acres of soil, ② Remove approximately 325,000 board feet of timber, and approximately 2,886 cords of wood, ③ Cause the death of small mammals, reptiles, and bird nestlings, ④ Cause the mule deer to lose their yearlong quality foraging habitat, ⑤ Cause for the resident elk population, ⑥ Cause loss of livestock grazing. Then, if the mine never reopened, or never stayed open long enough to use up the existing tailings pond, the BLM would have made a ~~disgraceful~~ disgusting, disgraceful mistake, besides having broken a Federal Law. I would like to see in the Final Environmental Impact Statement:

① The Alternatives to this proposal

See Response to Comment 2-2.

60-1

60-1

60-2

60-2

- 60-3 ② the actual performance bond the BLM will require to ensure compliance with reclamation and other mitigation measures. And I want to know who will be responsible to check on these procedures.
- 60-4 ③ A bond, contract, or change in Law to control the dust from the tailings pond, and to eliminate tailings pond's "spills" into groundwater.
- 60-5 ④ Who will benefit from the sales of the timber and cords of wood from this Guadalupe Mountain site.

Sincerely,
Nancy Tibbetts
Rt. 1 Box 88
Taos, N.M.
87571

P.S. The fishing has been great in the Rio Grande, these last couple of years.

See Response to Comment 39-1.

60-3

The mitigation measures in Section 1.5 address air quality and groundwater requirements for mitigation and monitoring.

60-4

Revenues from sales of timber and cord wood on the site accrue to the property owner, which is currently the United States. If the property is patented prior to harvesting, revenues would accrue to the new, private owner.

60-5

1391 Santa Rosa Dr
 REC'D Santa Fe, NM 87501
 BLM

99 FEB 8 P 1:05

Robert T. Dale
 Bureau of Land Management
 Albuquerque District Office
 435 Montana N.E.
 Albuquerque, NM 87107

Dear Sir:

I have read the DEIS for the MolyCorp Guadalupe Mountain Tailings Disposal Facility and found it very informative. However, I do not believe it clearly states the level of reclamation to be expected if MolyCorp decided to patent the land. I gather from the DEIS that if MolyCorp patents the land, they would not be required to do any reclamation work at all. This, however, is not entirely clear.

61-1

61-1 Patenting was addressed on pages 1-18 and 1-20 of the Draft EIS. In addition, a Field Solicitor's opinion of the subject is included in Appendix A of the Draft EIS. The probability of MolyCorp eventually applying for a patent is unknown at this time.

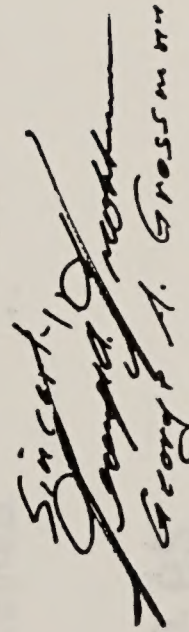
If patenting the land is

61-1
Cont.

truly an alternative to reclamation, I am certain MolyCorp will choose planting. Since revegetating will require not only seeding and planting but also moving over 1600 cubic yards of topsoil for each acre, planting will obviously be more cost effective. As the most cost effective it should also be considered the most probable.

The consequences of this probability should have been emphasized in the DEIS. The public should have been clearly advised that the most likely result of this proposal would be another unattended waste disposal site, another eyesore on the New Mexico landscape.

Thank you for the opportunity to comment on this document

Sincerely,

George A. Grossman

RECEIVED
BLM

29 FEB 8 PL: 07

Linda Trager

549 Oate Pl.

Santa Fe NM 87501

010 ALBUQUERQUE, N.M.

Feb 2, 1989

Dear Sir,

The proposed construction of a Molybdenum tailings disposal site in Guadalupe Mountain adjacent to one of my favorite Wild & Scenic River preserves deeply concerns me. How do you justify the permanent and unavoidable impact on visual resources, air quality, soils, and water quality for a project with no proven need? If you could present me a realistic view for the need for such a tailings disposal site, given the current and predicted price of molybdenum, I might be less outraged.

I am concerned about water contamination, particularly since the Water Quality Studies cited in the E.I.S. draft prepared for the BLM did not test for many harmful metals found in the tailings. Will studies be done to determine the harmful effects of these metals if consumed by humans through seepage into groundwater. Will bottom sealing of the pit be required to prevent seepage? I must dispute the adequacy of one foot of top soil for covering the tailings, since the rate of erosion is $\frac{1}{2}$ to 1" per year. What will be done when all the topsoil is gone in 20 years? How will the food chain be protected from uptake of toxins when the roots of most native plants grow deeper than one foot

62-1

See Response to Comment 2-2.

62-2

Any metals that leach from the proposed tailings pond would travel downward through approximately 750 feet of soil and rocks. Laboratory tests conducted by Dames & Moore indicate that metals would be attenuated to the point of negligible concentration at the water table. Thus, it is not anticipated that metals would enter the groundwater system except at concentrations well below the New Mexico Water Quality Standards. Since no exceedances of water quality standards are predicted, there would be no related risks to human health. See also Responses to Comments 27-2, 44-3, 53-2, and 63-5.

62-3

Discharge of slurry into the proposed pond would result in fine-grained sediments lining the bottom of the pond. This bottom sealing emplacement practice would minimize the amount of seepage from the pond. This is based on planned pond management practices, clarification pond design, seepage estimates, and practical experience all described in detail in a report prepared by Geocon (1988), Supplementary Seepage Study for Proposed Guadalupe Tailings Area. For further discussion on pond management practices and pond design, refer to Response to Comment 48-12.

62-4

Some soil erosion is natural and termed "geologic". Accelerated erosion can also occur due to overgrazing or other surface disturbing factor. Your estimate of 0.5 to 1 inch of soil loss per year for New Mexico soils is high according to the USDA Soil Conservation Service (SCS) which estimates a little over 1/16 inch per year combined water and wind caused erosion loss (Gonzales, personal communication 1989). Reclamation plot studies on current Molybdenum tailings indicate good revegetative growth and this is the single most important factor for erosion control. Good revegetative growth is forecast for the new proposed tailings area. As a result, erosion losses are not projected to be significant, and 1 foot of topsoil should be sufficient. See also Response to Comment 20-2. Refer to Section 1.5 for final mitigation measures addressing reclamation/revegetation.

I am concerned about Air Quality, since I spend summers in San Cristobal and Quetzal, and I have friends whose children may be affected. Have adequate studies been done to determine the long-term health effects of Airborne Lead, Selenium, and Molybdenum? Apparently the Law calls tailings dust "a nuisance" rather than a "health hazard" because of particle size. But past residents of Quetzal and students at Quetzal High have suffered from respiratory problems, throat irritations, and eye irritations. What are the long-term health effects of such "nuisances". And what of the possible long-term chronic problems such as learning disabilities in children exposed to lead? Has adequate consideration been taken in these studies of the greater dispersion of tailings ~~from~~ from the Guadalupe Site due to higher elevation and wind speed?

I feel that adequate answers to these questions should be available before any decision is made about the proposed facility.

Thankyou,
Linda Trageser
San Cristobal, Feb. 2nd
1989

P.S.

62-5 Please refer to Responses to Comments 71-1, 72-1, and 76-1.

62-6 The effect of the Guadalupe Mountain terrain is addressed in Response to Comment 20-1.

RECEIVED
BLM 2-5-89

DEAR SIRS,

89 FEB 8 11:07

BEING A RESIDENT of LAMA, I AM
VERY CONCERNED WITH THE MolyCorp proposal
TO BUILD ANOTHER TAILINGS POND IN THE
GUADALUPE SADDLE. I HAVE READ YOUR
EIS DRAFT AND GAVE TO YOUR MEETINGS.
I WOULD LIKE TO SHARE WITH YOU A FEW OF
THE MANY PROBLEMS I SEE WITH THIS
SITE, AND TO VOICE MY DISAPPROVAL OF THE
PERMANENT DAMAGE TO A MOUNTAIN DIRECTLY
OUT MY FRONT DOOR.

① AS I UNDERSTAND THE 1872 MINING LAW,
THE MINE HAS TO BE OPERATING TO APPLY
FOR THIS TRANSFER OF BLM LANDS FOR A
MILL SITE. MolyCorp is CLOSED AND
HAS BEEN FOR APPROX. 3 YEARS. HOW
DOES THIS MAKE THEM ELIGIBLE FOR THIS
ACTION?

② THE GUADALUPE SITE WILL REQUIRE
ADDITIONAL MILES OF SLURRY PIPELINE AND
PUMPING STATIONS TO RAISE THE SLURRY
THE APPROX. 1000 FT. TO THE TAILINGS POND.
AFTER A HISTORY OF NUMEROUS BREAKS, SPILLS
AND VIOLATIONS, HOW CAN YOU ALLOW MolyCorp

63-1

Many factors combine to contribute to decisions regarding temporary facility closures. Current operational status has no direct bearing on approval, modification, or denial of the proposed plan of operation. See Response to Comment 39-2.

63-2

During the MolyCorp mill modernization (1983-1986), approximately 14,000 feet of existing pipeline was relocated to the opposite side of Highway 38 away from the Red River. The relocation reduced the possibility of a tails leak entering the river. The existing pipeline system was also upgraded during the mill modernization project. The first 22,000 feet of the alloy steel lines rubber-lined with 3/6-inch thick rubber; and the original friction type coupling replaced with positive lock type (Victaulic groove) couplings. The low wear portion of the system from the Ranger Station to the tailings disposal area was upgraded with 12-inch alloy steel liner with friction type couplings. The new pipeline system required for the proposed tailings pond would be constructed of the same high integrity materials. Spills and leaks from the proposed piping should be minimal. If a break occurred along the proposed pipeline segment, the spill would not reach the river or any open water bodies. MolyCorp has formal emergency response procedures that are implemented in the event of a spill to initiate leak stoppage, containment, reporting, and cleanup. In the event the Red River were affected, water quality sampling would be initiated immediately and a list of agencies contacted.

The water quality of the tailings liquid discharged into the Red River (see Revised Table 1-3 in Section 3.2) would meet all the required standards of the current NPDES permit. In a report to Congress (EPA 1985), EPA determined that liquid (or solid) molybdenum mining wastes were found to be non-corrosive, non-EP toxic, and non-radioactive; therefore, EPA did not further consider waste (liquid and solid) for the molybdenum industry because the wastes generated did not exhibit any hazardous characteristics.

②

TO ADD MORE MILEAGE AND ADDITIONAL
PRESSURE TO THEIR ALREADY FAULTY SYSTEM?
THEY HAVE NOT PROVEN THEY CAN MAINTAIN
THE PIPELINES AS THEY EXIST. I WOULD
LIKE TO SEE MORE INFORMATION AND
REQUIREMENTS CONCERNING THESE PIPELINES
IN THE EIS.

63-2
Cont.

③ QUESTA HIGH SCHOOL WAS CLOSED DUE
TO ILLNESS OF STUDENTS CAUSED BY THE
BLOWING ~~DUST~~ TAILINGS DUST A NUMBER
OF YEARS AGO. I UNDERSTAND A SURVEY
WAS TAKEN AMONG THE STUDENTS AND
SCHOOL NURSES DURING THAT EVENT. I
WOULD LIKE TO SEE THAT DATA PUBLISHED
SOMEWHERE IF NOT IN THE EIS. THOSE
SITUATIONS WERE BAD ENOUGH DOWN AT THE
LOWER PONDS. I DON'T BELIEVE ENOUGH
STUDIES HAVE BEEN MADE ON THE WIND
STRENGTHS AND PATTERNS AT THE GUADALUPE
SITE. MY EXPERIENCE WITH OTHER
SUCH TAILINGS PONDS IN GRANT CO. IN
S.W. NEW MEXICO, IS THAT NO MATTER
HOW MUCH WATER OR CHEMICALS ARE
APPLIED TO THE TAILINGS, DUST CLOUDS
ARISE WHEN THE WINDS GET STRONG.

63-3

The commenter may be referring to "A Summary Report on the Dust Pollution Problem", which was prepared by Gilbert A. Archuleta, Superintendent, and the Questa Board of Education, dated January 19, 1982.

63-3

It should be noted that the proposed Guadalupe Mountain facility would not be located in proximity to the high school.

The dispersion model used in the Draft EIS included measured high wind conditions to predict potential air quality impacts.

WILL YOU MAKE MORE WIND STUDY DATA
AVAILABLE FOR THE GUADALUPE SITE?

63-4

All available air quality and meteorological data were used in preparation of the Draft EIS. Please refer to the Responses to Comments 27-3 and 48-8 for additional discussion.

63-4

3

④ THE F.I.D. GEOLOGISTS STATES THAT THE ROCK OF GUADALUPE MOUNTAINS IS POREOUS VOLCANIC STRATAS AND THAT THEY WERE NOT SURE IF SLURRY WOULDN'T POLLUTE GROUND WATERS SUCH AS THE TWO QUALITY SPRINGS NEAR THE FISH HATCHERY ON THE LOWER RED RIVER AND RIO GRANDE I WOULD LIKE TO SEE MORE TESTING DONE ON THESE FLOWS AND THAT INFO INCLUDED IN THE EIS. WHY ISN'T MOLYCORP REQUIRED TO LINE THEIR POND WITH A BETTER LINER? IS THERE A RUBBER LINER WHICH MIGHT BE AVAILABLE FOR THIS PURPOSE?

63-5

63-6

I FEEL THAT POLLUTION OF THE AIR, WATER AND PERMANENT DESTRUCTION OF THE VISUAL ENVIRONMENT TO BE "UNDUE DEGRADATION" OF OUR PUBLIC LANDS. I AM NOT SATISFIED WITH THIS DRAFT EIS. PLEASE ANSWER MY QUESTIONS IN YOUR NEW DRAFT, AND I WOULD APPRECIATE A LETTER FROM YOU ADDRESSING THESE ISSUES.

THANKS FOR YOUR CONSIDERATIONS —

STEVE WALDVOGEL
P.O. Box # 444

JAN CRISTOBAL N.M. 87564

The State of New Mexico Environmental Improvement Division has stated that no violation of water quality standards can occur if the proposed pond is permitted. Studies have consistently concluded that the water quality and quantity of the springs on the Red River and the Rio Grande would not exceed state standards.

63-5

An additional study conducted since the Draft EIS was prepared included development of a groundwater mixing model. It also reached the conclusion that no water quality standards would be exceeded since there would be adequate on-site dilution and dispersion via mixing.

Thus, there are several mechanisms to prevent groundwater quality degradation. These mechanisms include: management of the disposal of slurry into the tailings pond (for more discussion on this issue refer to Response to Comment 48-12); attenuation and dilution of leachate within the approximately 750-foot thick unsaturated zone; and dispersion by mixing within the unsaturated zone.

63-6

Lining of the pond with a rubber liner is not felt necessary. Instead, it is planned to manage slurry discharge such that the very fine-grained portions (including the so-called "slimes") would be emplaced in such a way to minimize seepage out of the pond. See also Responses to Comments 48-12 and 62-3.

RECEIVED

Frank J. Pazzaglia
4157 Mesa Verde Ave NE Apt A
Albuquerque, NM 87110
February 6, 1989

33FE88 P1:14

Mr. Robert T. Dale
Bureau of Land Management
Albuquerque Office
435 Montano NE
Albuquerque, NM 87107

Dear Mr. Dale:

I have critically read the Draft Environmental Impact Statement for the MolyCorp Guadalupe Mountain Tailings Facility prepared by ENSR consulting geologists for the Bureau of Land Management dated December, 1988. The following comments reflect my concerns of this report and are organized into three categories: 1) report format, 2) report inconsistencies, and 3) general concerns.

1) Report Format

- The size and detail of the Draft EIS presents the general public with a manageable and readable document, but does not significantly afford a technical reviewer with the necessary data and information vital to making a technical decision regarding the viability of the project.

The report is full of discussion but few data is presented to support it. Data from the referenced consultant reports should be made available as a separate document or as an appendix to the EIS.

When data is presented in the report, it should be recorded in the format adopted and recognize by the USEPA so that it could easily be compared to the EPA's large existing data base of similar sites and facilities. An example of this would be to report water quality data, and tailings compositional data in terms of the EP toxicity and priority pollutants +40 analyses.

I do not feel that the Bureau of Land Management can adequately determine if "undue and unnecessary degradation" will occur to Guadalupe Mountain if it is used as a tailings disposal facility based on the paucity of data and technical information presented in the Draft EIS.

64-1

Technical support documents used in preparation of the EIS are on file with the BLM. These documents would be too voluminous to duplicate and distribute to the public. They are available for review through the BLM.

64-2

The tabular data, including water quality, were presented in a manner that would be understandable to the general public, which follows the intent of EIS preparation.

2) Report Inconsistencies

- 64-3

- Lipman and Mehnert (1979) and other authors report that Guadalupe Mountain is composed primarily of rhyodacite flows and minor olivine andesite flows located on its southern flank, instead of dacite as reported on page 2-8
- 64-4

- The statement "highly fractured in all directions" p. 2-8, is unclear. The reported permeability of 10^{-6} to 10^{-4} appears to be somewhat low for such highly fractured bedrock. Typically fractures occur in discrete conjugate sets. The vertical set and more specifically, the permeability of the vertical set may be the most important in determining seepage below the site. The fractured character of the bedrock should be reevaluated and the source or method of arriving at 10^{-6} to 10^{-4} cm/s should be reported.
- 64-5

- The seismicity of the study area should be a concern in terms of the integrity and stability of the retaining dams. The retaining dam could fail catastrophically during a large earthquake, dumping the tailings directly into the most important surface water supply in the state. Machette, M.N. and Personius, S.F. (1984), Personius, S.F. and Machette, M.N. (1984), and Menges (1988a, 1988b) have demonstrated that there are many young (<10,000 years old) fault scarps indicating recent tectonic activity in and surrounding the Taos plateau volcanic field. The Red River fault zone itself which trends across the southern portion of Guadalupe Mountain can be shown to offset late Pleistocene gravels (approx 15,000 - 30,000 years old). The earthquake hazard of this portion of the northern rift should not be underestimated despite the fact that no large earthquakes have been recorded in historic times.

- There appears to be a major inconsistency in the calculations for the volume of flow under the Guadalupe Mountain site. Assuming a basic application of Darcy's law and the hydraulic property data reported, the following could be argued:

Darcy Law states that $Q = K I A$

Q = discharge; = 50 ft^3 per second
 I = hydraulic gradient; = 200 ft per mile
 K = hydraulic conductivity; = 2400 ft per day
 A = cross-sect. area; = 5 miles * b (aquifer thickness)

Working through the units one arrives at:

$Q = 50 \text{ ft}^3/\text{s}$
 $I = 200 \text{ ft}/5280 \text{ ft} = 0.0378$
 $K = 2400 \text{ ft}/\text{day} = 2400 \text{ ft}/\text{day} / 86400 \text{ s}/\text{day} = 0.0278 \text{ ft}/\text{s}$
 $A = 5 \text{ miles} * b = 5 \text{ miles} * 5280 \text{ ft}/\text{mile} = 26400 \text{ ft} * b$

- 64-3

The Draft EIS does mention that the underlying volcanic rocks are composed of andesite, dacite, and rhyodacite (pages 2-7 and 2-8).
- 64-4

A permeability of 10^{-6} to 10^{-4} cm/s is probably the low range for fractured volcanic rocks. Hydraulic conductivities are further discussed in Response to Comment 48-16. See also Response to Comment 148-2. Extensive details of fracturing, permeabilities, and general and specific hydrogeology of the Guadalupe Mountain area are contained in reports by Dames & Moore (1987 and 1988).
- 64-5

In regard to the seismicity of the area, the 1985 Final Environmental Assessment stated that northeast New Mexico is in "a Seismic Risk Zone 1." This statement was based on a seismic risk map of the United States by Algermissen (1969). The map defined seismic risk zones that were based on historical maximum intensities. A Seismic Risk Zone 1 indicated that minor damage would be expected. Since 1969, seismic hazard definition has become more refined. In 1982, probabilistic ground motion maps were published by the U.S. Geological Survey in Open-File Report 82-1033 (Algermissen et al.). The new maps did not appreciably change the characterization of the project area as a low risk area, in spite of the fact that numerous faults occur in the vicinity.

The horizontal ground accelerations that could be expected to occur from a maximum magnitude (6.1) earthquake in the area would not be more than 0.05 gravity (g) with a 90 percent probability of not being exceeded in 50 years (Algermissen et al. 1982). If the probability of a maximum magnitude earthquake occurring and not being exceeded in 250 years is considered, the horizontal accelerations would not be more than 0.10 g.

It is likely that tectonic maps published since 1982 do not show many fault zones that were unknown in 1982 when the ground motion maps were compiled. These maps are probably still accurate unless a dramatic change in seismic activity in the area has made them invalid. Give the soil conditions at the site and depth to the water table, seismic accelerations do not appear to be a problem in the area. The design plan of the facility includes the installation of impervious membranes to minimize lateral seepage into the dams. This will reduce the susceptibility to seismic ground motion.

Please refer to Response to Comment 48-16 for a discussion of aquifer thickness. The hydraulic gradients and hydraulic conductivities used for the average case are used in the calculations included in the response.

64-6
Cont.

Substituting into the equation:

$$50 \text{ ft}^3/\text{s} = (0.0278 \text{ ft/s})(0.0378)(26400 \text{ ft})(b)$$

$$50 \text{ ft}^3/\text{s} = 27.74 \text{ ft}^2/\text{s} (b)$$

$$\text{Therefore : } b = 1.8 \text{ ft}$$

This implies that the saturated zone under the site is only 1.8 feet thick, a relatively unreasonable number. This conflicts dramatically with the reported aquifer thickness of at least 100 feet reported on page 3-10 for which the value of 2400 ft/day was obtained. This disparity should be addressed in the final report.

Discussion presented regarding the attenuation of tailings seepage (p.3-8 and 3-10,11) is not clear in stating how the attenuation will take place. The existing tailings disposal facility has the advantage of being located on unconsolidated gravels, sands and silts which have somewhat of a "filtering" capacity that acts as an attenuation mechanism. In addition, the thick carbonate horizon development in the soils of these deposits helps raise the pH of waters that come in contact with them, rendering many of the potentially toxic metals insoluble and immobile.

A fractured rhyodacite, olivine andesite, and basalt aquifer under the proposed tailings site will have little to no attenuation capacity described above. There is no reason to assume attenuation by simple lateral as well as vertical spreading (as is implied) of the tailings seepage through a large volume of unsaturated fractured bedrock. Recharge should be directly vertical and relatively quick under the hydraulic head imposed by the pond to the saturated zone ~700 feet below once seepage enters the bedrock.

It appears that the seepage modeling presented on page 3-10 and 3-11 assumes that the tailings site is a point source with a single instantaneous release. This is not the case. Release of possibly toxic tailings constituents will be continuous over the life of the facility and will continue even after proper closure and reclamation of the site occurs. The time that it is reported to take (30 years) for seepage to reach the water table is not evidence or data to support attenuation as implied on page 3-10. Finally when, where and how permeability estimates used in the seepage test were obtained should be reported.

64-8

64-7

Tests conducted on leachate chemistry revealed several parameters that may require attenuation to meet New Mexico State Drinking Water Quality criteria (Dames & Moore 1987). One physical/chemical mitigative process is adsorption. The adsorption process involves a constituent dissolved in a liquid being deposited onto a solid until an equilibrium is attained between the two phases that are in contact. Equilibrium is attained primarily through cation-anion exchange processes. A variety of natural and synthetic adsorbents are possible. Clays, which have large surface areas, are often cited as an example of a naturally occurring adsorbent. Tests conducted at the Guadalupe site revealed several sand clay, matrix-supported breccias that possess adsorption potential (Dames & Moore 1987). An extensive modeling program described in detail in Dames & Moore (1987), that included results of laboratory adsorption tests, leachate chemistry tests, as well as geologic examination of cores, was conducted for numerous cases. The factors found to be sensitive (e.g., rate of pond seepage, hydraulic conductivity, adsorption distribution coefficient, and others) were varied. In the most realistic cases, travel times within the unsaturated zone for metals were in the range of 30 years, not "relatively quick"; for nonmetals, travel times were about 5 years.

64-8

Release of constituents is recognized as continuing after pond closure. This factor was modeled. The model was conservative in that it assumed the pond size would be at maximum (full) from start-up time. See also Response to Comment 64-7.

Permeability estimates used in the seepage studies were based on historical data from the existing Molycorp tailings pond, experience with similar tailings ponds, and tests conducted on unsegregated tailings at the Molycorp site.

Letter 64 Continued

Response to Letter 64 Continued

3) General Concerns:

- On page 1-5 the report states that if necessary, material from off site will be used in dam construction. It should be noted that such a practice could be used to dispose of harmful constituents unsafely. Such practices have been documented at many sites throughout the country. The BLM should require that no materials foreign to the Guadalupe Mountain site be used in dam construction if they determine that this risk is present.

64-9

- Closure plans reported on page 1-16 are vague. Closure plans should, at a minimum, include a long term ground water and soil monitoring plan.

64-10

- Finally, I feel that the Final EIS should clearly explain why the tailings pond facility is exempt from federal RCRA regulations. (p. 1-18) Most tailings waste contain trace or larger amounts of hazardous waste or constituents. These would be incorporated into long term storage in the tailings pond, exceeding the 90 day storage limit required to list such a facility as a TDS (Treatment, Storage, Disposal) site, regulated under RCRA.

64-11

I would like to thank the BLM for providing the opportunity to publicly comment on these matters. Hopefully, the Final Environmental Impact Statement will reflect the necessary changes from the draft document as well as all the data and technical information which will afford the BLM with a proper resource to determine if the Guadalupe Mountain Site is a viable option for a tailings disposal facility. Again thank you.

Sincerely:

Frank J. Padilla
Frank J. Padilla

- 64-9 Approval of the Molycorp Plan of Operations would be contingent upon Molycorp's compliance with regulations required by the New Mexico State Engineer for dam construction.

- 64-10 The closure plan discussed on page 1-16 is by necessity lacking in conceptual detail. This is due to the projected 40-year life of the facility and the changing regulatory requirements that are anticipated over that period. It is stated that the eventual closure plan must be approved by the State Engineer at the final stage of impoundment construction. Specific requirements of groundwater and soil monitoring would be speculative at best at this time. See also Response to Comment 39-1.

- 64-11 The tailings pond facility is exempted from RCRA Subtitle C by the Bevill Amendment (mining and mineral processing water exclusion). It will be subject to Subtitle D regulation of mining waste which is presently under development and scheduled for submission to Congress by July 31, 1990. The 90-day storage limit (TSD facility) requirement is a part of Subtitle C and not applicable to the Molycorp tailings impoundment.

References:

Lipman, P.W. and Mehnert, H.H., 1979, The Taos Plateau volcanic field, northern Rio Grande Rift, New Mexico, in Riecker, R.E., ed, Rio Grande Rift, Tectonics and Magmatism: AGU, Washington D.C.

Machette, M.N. and Personius, S.F., 1984, Map of Quaternary and Pliocene faults in the eastern part of the Aztec 1 X 2 degree quadrangle and the western part of the Raton 1 X 2 degree quadrangle, northern New Mexico: USGS Map 1465-B scale 1:250,000 with text 20p.

Menges, C.M., 1988a, Temporal and Spatial Segmentation of Pliocene-Quaternary fault rupture along the western Sangre de Cristo mountain front, northern New Mexico, in Crone, A.J. and Omdahl, E.M., eds. Proceedings of conference XXXIX, Directions in Paleoseismicity: USGS Open File Report 87-637, p.203 - 222

Menges, C.M., 1988b The tectonic geomorphology of Mountain front landforms in the northern Rio Grande Rift near Taos, New Mexico, unpublished PhD dissertation

Personius, S.F. and Machette, M.N., 1984, Quaternary and Pliocene faulting in the Taos region, northern New Mexico, in Baldrige, W.S., Dickerson, P.W., Rieker, R.E., and Zidek, J. eds. NMGS Guidebook, 35th annual field conference, p.83-90

Letter 65

Response to Letter 65

RECEIVED
BLH

39 FEB 8 P 1: 13

February 6, 1989

010 ALBUQUERQUE, N.M.

Mr. Robert T. Dale
Bureau of Land Management
Albuquerque District Office
435 Montana N.E.
Albuquerque, NM 87107

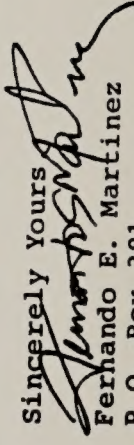
Dear Mr. Dale:

I have read the Environmental Impact Statement provided by your office concerning Molycorps Inc. efforts to acquire additional tailings disposal for their mining operations. I have concluded that based on facts and other pertinent information provided in the EIS, that minimal distortions or alterations to the environment will occur, I therefore support Molycorps endeavor to acquire the additional disposal facility to continue mining operations, and provide much needed employment for Taos County. Molycorp in the past and to the present has shown its social responsibilities for the environment and other necessities for the surrounding communities, and I feel they will continue this policy.

It is no secret that successful mining operations are a result of long range planning, in order for Molycorp to regain its position in the Molybdenum market, it needs this additional tailings disposal. Molycorp with its product (Molybdenum) potential and growing world demand for Molybdenum, Molycorp can expeditiously become once again a primary producer of Molybdenum.

I thank you for allowing the public this opportunity to voice their opinions in this matter, and I urge you to provide Molycorp with the necessary permits that your agency will handle.

Sincerely Yours


Fernando E. Martinez
P.O. Box 381
Arroyo Hondo, NM 87513

Letter 65

Thank you for your letter.

P. O. Box 1178

TAOS, NM 87571

February 6, 1989

RECEIVED
BLM

89 FEB 8 P 1: 12

010 ALBUQUERQUE, N.M.

Mr. Robert Dale

Bureau of Land Management

435 Montana N.E.

Albuquerque, NM 87107

Dear Mr. Dale:

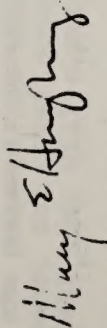
This letter is concerning the Draft EIS for the MolyCorp Guadalupe Mountain Tailings Disposal Facility. On November 18, 1988, the Deputy Director of the BLM Mr. Roland Robison addressed the American Rivers Conference in Washington, D. C. In his remarks, carried live on the Congressional Network, and to a live audience of over four hundred, Mr. Robison stated that the BLM has a commitment to the Wild and Scenic Rivers Program in this country, proudly mentioning that the Rio Grande was one of the original rivers to be placed in the Wild and Scenic network. He announced that the Bureau of Land Management would adopt into its formula of important uses in a "multiuse" stewardship that of recreation and mentioned specifically the 20th Anniversary Wild and Scenic Celebration at the Wild Rivers Recreation Area. This event, which drew over 50000 people, was a tremendous success, and was clearly an indication that recreation has a huge groundswell of support among the public. Now, three months hence, it seems that the BLM's commitment to recreation and wild rivers is in great question.

The proposed Guadalupe Tailings Disposal Site infringes upon the Rio Grande and the four miles of the Red River included in the Wild and Scenic

66-1
Cont.

Rivers System. A thorough investigation into the legal aspects of whether this particular project is in violation of the Wild and Scenic Rivers Act needs to be undertaken before approval is granted. There are two possible violations of the Act: 1) the visual quality of the Wild And Scenic River will be greatly impacted by the dam, and 2) the water quality of both the Rio Grande and the Red River will be adversely affected by both groundwater and surface water discharge.

Sincerely,



Mary Humphrey

66-1

Extensive hydrologic and hydrogeologic studies conducted for this project indicate that there would be no exceedances of state surface water or groundwater quality standards.

Please refer to Response to Comment 28-1 regarding the Wild and Scenic River area.

Letter 67

Response to Letter 67

RECEIVED
BLM

PO Box 3142
TAOS, N.M. 87571
39 FEB 8 P 1:11 Feb. 3, 1989

Robert Dale
BLM, Alb. office
435 Montana N.E.
Albuquerque, N.M. 87107

010 ALBUQUERQUE, N.M.

Dear Mr Dale

I am writing concerning the proposed
Guadalupe tailings site, that MolyCorp wishes
to patent, in Taos County, N.M.
I have the following questions and
statements.

1) How can the BLM consider Moly-
Corp's request, when the prudent man theory
of the 1872 mining law states; no proposal
shall be considered unless a mine is in operation
and producing profit?

2) A letter from Cynthia Ardito, of the
State EID, to Kent Hamilton, shot holes through
the EIS draft. How can you approve this
proposal when it is obvious that the proposed
tailings pond will pollute groundwater and
the air? This is obviously undo and un-
necessary degradation of the environment.

This is a concern you are responsible for.

3) The sources for the EIS draft are all
contractors of MolyCorp, Dames and Moore,
Geocon, etc. How can the BLM prepare
an EIS with biased sources, that aim

The prudent-man test reads "where minerals have been found and the evidence is of such a character that a person of ordinary prudence would be justified in the further expenditure of his labor and means, with a reasonable prospect of success in developing a valuable mine, the requirements of the statute have been met." The respondent may be referring to the marketability test, which focuses on the economic value of the mineral claim. Both tests pertain to mining claims rather than mill site claims, which are the basis of MolyCorp's holdings for the Guadalupe Mountain facility. By nature, a mill site must be nonmineral in character, a requirement that would predispose failure of either the prudent man or marketability tests. The prudent man and marketability tests do not apply to mill site claims.

See Response to Comment 48-16 which is a direct response to Ms. Ardito's letter.

The use of qualified consultants to provide technical studies or to prepare an EIS is a widely accepted practice. The consultants and the results of their studies are subject to review by specialists within the participating and responsible agencies. It is also accepted practice for the "Applicant" (MolyCorp) to accept financial responsibilities for these services, since such studies are necessary to enable permitting agencies to make well informed decisions.

67-3 Cont. to Swat results? I call on the BLM to initiate a new draft EIS with totally new unbiased sources of information, I am a taxpayer, and you can damn well afford to spend my money to protect me! ~~from~~

67-4 4) The EIS states construction will include heavy equipment and dynamite. It goes on to say that construction will continue for the life of the project. As a neighbor six miles from the site, can you tell me this noise will not create undo degradation of my life, or to visitors to at the BLM protected wild and scenic river ~~are~~ nearby? Come now, would you really allow this to happen to lands you are entrusted to protect?

67-5 In closing I would like to ask, does the BLM feel compelled to pass this proposal to avoid a law suit with MolyCorp, as they will cry "1872 mining law", or will the BLM protect the public and the wild and scenic river area?

I trust you will act wisely.

Sincerely
Robert Watt

67-4 A study of blasting noise conducted by the state EID concluded that blasting noise would be below ambient levels at 2 miles from the dam sites (Orton 1982). This indicates no substantive noise effect would occur at 6 miles. The EIS analysis of heavy equipment noise also indicates no substantive effect beyond 2 miles.

67-5 BLM will comply with their legal responsibilities under NEPA by preparing the environmental impact statement using the best available information.

P.O. Box 230

San Cristobal, N.M. 87564

February 7, 1989

FEB 8 P 10

Mr. Robert J. Dale, District Manager

Bureau of Land Management

Albuquerque District Office

435 Montana N.E.

Albuquerque, N.M. 87107

Dear Mr. Dale:

I am writing to comment on the Draft Environmental Impact Statement for the MolyCorp Shadokpe Mountain Tailings Disposal Facility. I have a concern which has not been addressed in the Draft and for which I would like to see an answer in the Final EIS.

Section 1.3.3, Closure, of Section 1.3, Project Description, states that "At the end of the operating period, all surface facilities would be removed and disturbed areas would be reclaimed. Topsoil would be spread over the surface of the dried tailings to a minimum depth of one foot... Soils for capping the tailings would be taken from throughout suitable locations on MolyCorp's property."

My questions concern these statements.

- 1) From what areas would this soil be taken?
- 2) What would be the effects to the areas from which this soil is taken? Specifically, would vegetation be removed from these other

68-1
Cont.

areas from which soil is taken? Once soil is taken from these areas, how will surface erosion be prevented, and how will these areas be reclaimed?

3) What, specifically, is BLM's or Molycorp's determination of a "suitable" location?

Here in the arid Southwest, topsoil is a scarce resource, even soil of sufficient fertility to support native grasses, trees, and shrubs. I am concerned that Molycorp will not possibly be able to reclaim the full 825 acres of the tailings disposal site without extensive degradation of soil resource areas, and that ultimately the acreage impacted detrimentally by the proposed facility will greatly exceed the 1,230 acres of the project area.

Please respond to these concerns and publish the responses in your Final EIS.
Thank you.

Sincerely,
Allan L. Sindeler

68-1 Molycorp currently has 250,000 cubic yards of topsoil stockpiled at its existing tailings site. Assuming a 1-foot reapplication depth over 717 acres (tailings pond and dams), 906,760 additional cubic yards of soil material would be necessary. Molycorp has sufficient soil resources available on its properties to fulfill these topsoil requirements. Areas from which soil is salvaged would be reclaimed by standard Molycorp reclamation procedures. A suitable location for topsoil salvage is one that has: 1) no limiting soil features, such as high sodicity, salinity, rock fragments, or other unsuitable characteristics, and 2) sufficient depth to allow salvage and subsequent revegetative growth on the remaining portion of the salvaged soil profile.

Dear Robert Dale,

RECEIVED
ELM

Feb 6 1989

39 FEB 8 P1:09

I'm writing to you to request that you and your colleagues sincerely consider the questions which are being proposed to you around the MolyCorp Tailings site.

My appeal is addressed to the place of desiring the truth. I don't have the technical language or questions - new questions - to pose that weren't brought forth in the two public hearings rather my appeal is a personal one - please give the public the absolute truth in this situation. If in your investigations you discover "undue & unnecessary" damage to the environment - let that be known & reflected in the final document you present.

My prayer is that that which is the best for all of us be the outcome of this situation. I pray for you & your colleagues & the work & head of you. May you have the courage to present the truth - better way that might be - not to be influenced by any group. I pray that you all may do your work in the best way possible.

May all of us live in harmony with one another & this beautiful earth - our planet.

Letter 69 Thank you for your letter.

earth

Sincerely,
Marilyn Yank

Marilyn Yank

P.O. Box 240

San Cristobal, N.M. 87564

2/7/89

Robert Dale

District Manager
Bureau of Land Management435 Montano N.E.
Albuquerque, NM 87107RECEIVED
BLM

09 FEB 8 11:09

010 ALBUQUERQUE, N.M.

Dear Mr. Dale,

Regarding the MolyCorp/Guadalupe Mountain tailings disposal facility... After reviewing the Draft EIS for this proposal, I have a few questions I hope you'll address in the final EIS.

In the Draft EIS (p.3-45) (3.18) you address Air Quality (p.3-44) (3.16) "During periods of high winds... a potential for concentrations of TSP to infrequently exceed State of New Mexico short term standards in the immediate vicinity of the tailings pond" ~ as an "Unavoidable Adverse Impact".

I would like you to address the Questa High School TSP question in the event of a "high wind period".

What have been past methods used to record data on TSP at the High School? During these periods that "infrequently exceed" air quality standards in the vicinity, what is the proposed plan to insure the safety of the students in the area?

Also, please address the environmental affects (and the practical application) of the proposed "chemical surfactant or bonding agent" (p.3-41) (3.15). The report states "use of a chemical surfactant or bonding agent" applied to areas of dried tailings to reduce wind blown dust. There is no report on the composition of these proposed surfactants and their environmental impact. Please include a surfactant composition analysis →

70-1

70-2

70-3

Predicted violations of air quality standards are addressed in Response to Comment 48-6.

70-1

Total suspended particulates (TSP) at Questa High School are measured by an EPA-approved high volume air sampler operated by New Mexico EID. Mitigation measures are discussed in Response to Comment 48-6. Final mitigation measures are listed in Section 1.5 of this Final EIS. In addition, the proposed tailings facility would have much less impact on the high school than the existing facility and emissions would be further lessened once the existing tailings pond is closed. No impacts to human health are anticipated to result from the proposed project.

70-2

See Response to Comment 27-7.

70-3

Letter 70 Continued

Response to Letter 70 Continued

and ~~a~~ some data insuring the community that these surficants are safe and harmless to the environment.

Thank you for your consideration
of these matters.

Sincerely,

Jonathan D. Scharfman

Jonathan D. Scharfman

Box 444

San Cristobal, NM

87564

Steve Jannison
Box 240
San Cristobal
NM 87534

RECEIVED
BLM

Dear Sir 99 FEB 8 P1:08

I am ~~concerned~~ ^{concerned} about the re-opening of the Molybdenum tailings disposal facility near Questa. It's a citizen who lives close to Questa. I feel this will affect me personally in many ways.

The area I feel the most concern about is the potential health hazards this might cause especially regarding heavy metal pollution. It is already well known that high levels of lead can cause long term health effects.

I would ask if this has really been taken into consideration especially as the exposure could really affect children, given that the Questa High School is so

71-1

It is well known that high levels of lead are toxic and may cause effects, such as learning disabilities. However, the predicted maximum lead exposures outside the tailings facility, as shown in Table 3-11 of the Draft EIS, are only 6.67 percent of one-one thousandth of the safe exposure level (TLV). The maximum exposure to high school students, as stated on page 3-38 of the Draft EIS, is predicted to be 20 times lower than that listed in the table.

71-1

Letter 71 Continued

Response to Letter 71 Continued

71-1
Cont.

close, & cause learning disabilities & other long term chronic problems

I would ask also if there has been an accurate study done around the effects of other heavy metal exposure such as cadmium, chromium, Barium, Molybdenum & Selenium.

71-2

The other metals mentioned have been studied and show various toxicities: molybdenum and selenium, though toxic at high doses, are essential human nutrients; barium, cadmium and hexavalent chromium can be very toxic through inhalation (though divalent and trivalent chromium are relatively non-toxic). The maximum potential exposures to these metals, as a percentage of the safe exposure level divided by 1,000, are far below the levels shown in these studies to cause health effects: barium - 8.8 percent; cadmium - 0.4 percent; chromium - 10 percent; molybdenum - 1.6 percent; and selenium - 0.15 percent of the TLV/1,000.

71-2

71-3

Please refer to Response to Comments 1-2, 27-2, 44-3, 53-2, and 63-5 for a discussion of why heavy metals would not exceed state groundwater quality standards.

71-3

I am also concerned about what effect this pond will have on the groundwater & whether pollution is inevitable. Again I feel the risk of heavy metal poisoning seems high. Given the history of the previous failings pond as regard seepage into local water

supplies & rivers I would ask if adequate testing has been done around leakage of pipes leading from the failings site plus adequate bottom sealing of the pit.

71-4

Please refer to Response to Comment 62-3 for a discussion of pond lining.

71-4

Given these risks I would
need to contest the necessity
of a failings pond in this area
at this time.

Thank you for bringing these
questions into consideration

Yours sincerely

Ms. Sita Jameson

RECEIVED
BLM

39 FEB 8 P 1: 09

Mr Robert Dale
Bureau of Land Management
435 Montana Rd NE
Albuquerque, NM 87107

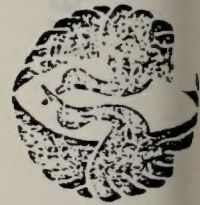
Box 240
San Cristobal, NM
87564

Dear Mr Dale:

I am writing in response to the request of Indylcop for the location of a new tailings pond site in the Guadalupe Mountains.

I am seriously concerned about what appeared to me to be a questionable analysis of the health hazards of the tailings. The EIS indicates comparison of mineral levels with those naturally occurring - yet the lead content at 180 ppm is almost 10x higher. There is no discussion of this despite the fact that lead has been shown to cause harmful damage especially to the brain. Has the U.S. Department

of Health been consulted on these health issues?



72-1

There is a discussion of lead content and exposure on page 3-38 of the Draft EIS. See Response to Comment 71-1.

The U.S. Department of Health has not been contacted, as there is adequate information on hand to evaluate potential health risks. Much of the health data used in the EIS comes from the Department of Health and Human Services, National Institute for Occupational Safety and Health, the Environmental Protection Agency, and other governmental agencies.

Above all, The Dale, appreciating the difficulty of your position and the delicate nature of the issues involved, I ask you to consider carefully these questions and those raised by others who are concerned about the impact of this proposal. Molyneux has two sides good for 15-20 years and, given the market situation, will not likely use those fully. On the other hand the health and wellbeing of people and animals cannot be overstated - that damage is irreparable. The loss of wildlife, the ecological harm is everyone's loss.

Trusting in your wisdom and deep savings for the land under your care,

I am

yours sincerely
Maryam Faraj

Letter 73

Response to Letter 73

February 7, 1989

Robert Dale
Bureau of Land Management
435 Montano Rd., N.E.
Albuquerque, New Mexico 87107

Re: Guadalupe Mountain Tailings Pond

Dear Mr. Dale:

This letter is in regards to the Draft E.I.S. and Molycorp's proposed Tailings Disposal Facility in the Guadalupe Mountains.

The issues that I am about to raise and which must be addressed in the Final E.I.S. would benefit greatly if I were given more time for an indepth analysis. I feel that not enough time has been allotted for public input considering the complicated nature of this issue. It is BLM's responsibility to make sure that public input be solicited and encouraged. I don't believe that BLM did its job adequately. There were no E.I.S. in the Taos Office until after January 10th. In fact, people were told that they couldn't have a copy, that they had to go into the office and could look at the one there. That is not exactly what I would call soliciting public input. I think a 60-day extension of the comment period is called for in this case.

With regards to public input, I believe that the scoping process prior to the preparation of the Draft E.I.S. did not encourage public participation as can be seen by the number of comments that were raised at the public hearings. If neither BLM or ERT have qualified personnel to assure public input during the E.I.S. process, then the job should be subcontracted out to a company that can. For instance in the present E.I.S. process of a tailings facility in Prescott, Arizona, Western Network has been contracted to oversee public concerns. I hope that an advisory committee of concerned citizens will participate in preparing the Final E.I.S. Without such a group, the E.I.S. must be considered as another draft because more questions are bound to arise.

I also believe that the Final E.I.S. must address the alternatives to the proposed action. My understanding is that the BLM is responsible for making sure that there is no unnecessary and undue degradation of the environment. You do this through the E.I.S. process. The E.I.S. is done in order to analyze the effects of an action. In that analysis the E.I.S. identifies other options and their effects and then comes up with a series of alternatives to choose from. That is supposed to be the purpose of the E.I.S. Although 43 CFR 3809 Regulations do not say that you have to look at alternatives, they also do not preclude such action. To leave alternatives out of the E.I.S. process constitutes negligence. Without looking at all the options we have to assume that the degradation that takes place is unnecessary.

Moreover, the mere fact that the mining operation remains closed makes this proposed action undue. As long as Molycorp remains closed it must be denied the proposed "plan of operation".

73-1 See Section 1.4, Consideration of Alternatives, and Response to Comment 21-1.

73-2 See Response to Comment 63-1.

E.I.S. does not mention any kind of health survey of the Questa population nor does it mention having done any soil analyses of the areas surrounding the existing ponds. In order to determine the extent of both health and environmental consequences of the proposed action, both of the above mentioned surveys must be undertaken and included in the Final E.I.S. With that kind of data we might then be able to assess the long range costs of health care for Questa citizens. This in turn will help in determining whether the proposed action is too costly to be considered due and necessary.

73-3

Another cost analysis that was not addressed in the Draft E.I.S. concerns the loss of income due to the degradation of the Rio Grande Wild and Scenic River. For instance, would the rate of increase in visitor days in the Wild River Recreation Area be maintained during this project? My personal belief is that the proposed action will forever take the Wild River Area out of consideration for National Park status and will therefore greatly impact the potential income of Taos County. The final E.I.S. must address this issue more thoroughly. Is there a model for determining such consequences? If not, then maybe one could be designed for the purposes of this E.I.S.

73-4

The E.I.S. also does not disclose the laws governing millsite claims. Nor does it address the validity of these claims. For instance, are there minerals under this site and is waste disposal proper use for a millsite? My understanding is that a millsite is for processing (milling) materials not for waste disposal which is another subject entirely.

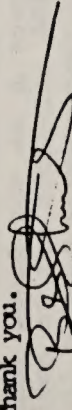
73-5

The Final E.I.S. must address the issue of performance bonds and reclamation. Contrary to what your solicitor general implies 43 CFR 3809.6 Regulations state very clearly that a bond may be enforced beyond the patent process. What is not clear is what happens when the operator goes into a boom or bust process. What are the reclamation requirements, as laid out in a time chart, should the company temporarily stop operations?

73-6

These are only a few of the concerns that plague me in the night. If you give me another 60 days I will be able to identify more issues more clearly and have more sleepless nights. Please respond these concerns and extend the comment period.

Thank you.



BRIAN SHIELDS
Route 1, Box 71
Taos, NM 87571

73-3

It is not within the scope of the EIS to perform either invasive or non-invasive medical examinations or health studies of the population. The EIS bases its analysis on the known toxicity of the appropriate substances, and upon established environmental models for determining risk. See also Response to Comment 27-6.

The USDA Plant Materials Center in Los Lunas, New Mexico intends to sample both the current tailings material and adjacent soils in summer 1989. The resulting data will be available to the public.

73-4

Please refer to the Response to Comment 51-7.

73-5

According to Robertson, et al. (1986) and Haigler and Sutherland (1965), no known economic mineral deposits occur within the project area. A mill site must be nonmineral in character up to the time of patent. Validity issues as such are limited to size, sufficient and satisfactory need, and evidence that good faith is manifest in its use or occupation in connection with the lode and no adverse claim exists. In Utah International, Inc. 36 IBLA 219, 225-226 (1978), the Interior Board of Land Appeals held that storing ore, depositing tailings, and depositing overburden are validating uses for mill sites.

73-6

See Response to Comment 39-1.

Don Hahn, President

David R. Strommen, Vice President

New Mexico Mining Association

PM CND 260-1003
Albuquerque

Charles E. Roybal
Executive Director

P.O. Box 5527
Santa Fe, NM
87502

09 FEB 9 P 2: 20

010 ALBUQUERQUE, N.M.
February 9, 1989

Mr. Robert T. Dale
Bureau of Land Management
435 Montana NE
Albuquerque, N.M. 87107

Re: MolyCorp Guadalupe
Mountain Tailings Disposal
Facility Draft Environmental
Impact Statement

Dear Mr. Dale:

The New Mexico Mining Association (NMMA) is an organization with over 600 industry, associate and individual members. The objective of the Association includes the development of mining in an environmentally sound manner.

The referenced Draft Environmental Impact Statement demonstrates that MolyCorp's proposal would not result in any unnecessary or undue degradation of the environment and therefore MolyCorp's Plan of Operation should be approved as a matter of law.

While the direct effect on the economy of Taos County as a result of the building of the tailings dam would be minimal, the construction is a necessary prerequisite to the reopening of the mine which would impact the economy on a long term basis. The socioeconomic impact section of the EIS should reflect this fact.

NMMA would urge the Bureau of Land Management to give prompt approval to the project.

Sincerely yours,

Charles E. Roybal

Charles E. Roybal
Executive Director

CER/lcr

Letter 74

Thank you for your letter.

Directors

William S. Case, Jr.
Santana Gonzalez, Jr.
John M. Grubb
Dan J.

Charles Hunter
David A. Jenkins
Robert L. Korte

C. E. McKinnon
John L. Rust
Jack L. Starnes
Agustin
E. M.



Sierra Club

Santa Fe Group - Rio Grande Chapter

440 Cerrillos Rd., Suite G, Santa Fe, NM 87501 (505) 983-2703

010 ALBUQUERQUE, N.M.

February 9, 1989

Mr. Robert T. Dale
Bureau of Land Management
Albuquerque District Office
435 Montano N.E.
Albuquerque, New Mexico 87107

HAND DELIVERED

Re: DEIS, MolyCorp Guadalupe Mountain Tailings Disposal Facility

Dear Mr. Dale:

Please consider the following comments from the Santa Fe Group of the Sierra Club regarding the above-referenced DEIS. References are to page numbers and quoted language from the DEIS.

1) Page 1-5 A list of ancillary facilities is given, any one of which could have a significant environmental impact, especially access and patrol roads, powerlines, the seepage collection pond and dam, and decant water channels or pipelines. It is stated later that "Detailed specifications of these facilities will be developed during the detailed engineering phase." It is hard to evaluate impacts to the environment without knowing certain "details" such as whether the seepage pond and decant channels will be lined (and, if so, with what).

It is stated that "the natural soils and overburden on the valley floor would act as a seepage barrier." However, no estimate is given of the hydraulic conductivity of native soils, so claims of soil being a seepage barrier appear to be without substantive basis. Perhaps the soil has a lower permeability than the highly-fractured volcanic basement rock, but in no way should these soils be considered of particularly low permeability.

2) Page 1-11 "MolyCorp will develop rock quarries from the impoundment basin in a manner that promotes free runoff of water towards the active tailings impoundment area, so that subsequent discharge of tailings slurry directly over such a quarry will enable

75-1

75-2

75-1 Although detailed engineering is often not available at the time of EIS preparation, adequate information must be available upon which to base an impact analysis. Using the basic assumptions presented in the project description of the Draft EIS and implementation of the mitigation measures (see Section 1.5), the conclusions of the impact assessment would not change to a significant degree based on final engineering details. Also, as noted on page 1-19 of the Draft EIS, the construction, operation maintenance, and inspection of the dams and associated facilities would be regulated by the New Mexico State Engineer. In addition, approval of the Plan of Operations is contingent upon receipt of a discharge permit from the New Mexico EID and approval of the engineering specifications from the State Engineer.

As described on page 1-5 of the Draft EIS, the natural soils and overburden on the valley floor would act as a seepage barrier; no synthetic liner would be used. Page 1-10 addresses that the upstream faces of the dam would be lined with soil and an impervious membrane. On page 1-14, it is stated that collected seepage from the dams would be transported via open, lined channel or pipeline.

The natural soils at the project site range from 5 to 42 feet in thickness. Results of grain-size analysis and falling-head tests indicate permeabilities of 1.9E-4 to 1.1E-8 cm/sec. This indicates low permeability.

75-2 Please see page 3-2 for revised text clarifying the rock quarry and borrow pit placement discussion.

Letter 75 Continued

Response to Letter 75 Continued

Mr. Robert Dale
Page 2
February 9, 1989

deposition of tailings solids over the exposed rock surface without long-term ponding of clear water." It is unclear exactly what is implied by this somewhat convoluted sentence; however tailings fluids will infiltrate the basement rock whether or not "clear water" is ponded there. In fact, the quarry locations (Figure 1-5) are on the flanks of the impoundment, precisely where the beach sand fraction of the tailings is likely to accumulate, allowing more rapid infiltration to the bedrock than the "slimes" fraction. Saying that "tailings solids" will be deposited there is meaningless. Tailings solids will be deposited everywhere in the impoundment, and all solids will be saturated at the time of their deposition. Indeed, the "clear water" collection point will necessarily be in the low point of the impoundment at that time, and will also be the collection area for the low-permeability slimes fraction of the tailings, reducing infiltration flux from the ponded area. Height of ponding is essentially independent of infiltration rate once a significant thickness of solid material has accumulated.

75-2
Cont.

3) Page 1-13 Table 1-2 is not very useful, as it gives the total chemistry of a digested, dry sample. It would be more illuminating to give a complete aqueous chemical listing. A very incomplete aqueous chemistry of Pope Lake decant and seepage is given in Table 1-3 (page 1-15), but most conservative constituents which would likely have the greatest impact on ground-water quality are omitted (e.g. sulfate, chloride, total dissolved solids, etc.). Also, listing aqueous molybdenum in mass/time units is useless for determining aqueous quality, since discharge volumes were omitted. In order to evaluate seepage impacts to ground water, tailings fluid quality is necessary.

75-3

An aqueous chemical listing of the tailings is not available. Table 1-3 (Section 3.2) has been revised to include an expanded list of water quality parameters for discharge. Please see Responses to Comments 48-16, 62-2, 63-5, and 64-7 for discussions on mixing depths, attenuation of metals, and why water quality would not be impacted.

75-3

4) Page 1-14 By keeping a maximum beach area wet, seepage through the high-permeability sands is also maximized. This ensures maximum adverse impacts to underlying ground water quality.

75-4

Please refer to previous responses (especially 27-2 and 63-5) for discussions of why groundwater quality would not be impacted.

75-4

5) Page 1-16 "The MolyCorp Tailings Disposal Facility is expected to operate for approximately 40 years, based on full-scale mining." It may well take considerably more than 40 years to amass 40 years of full-scale mining, and hence, it may be much longer than 40 years before the site is reclaimed. All the while, the tailings beaches will be kept wet to reduce dust, with the undesirable side effect of continual leakage of the tailings and seepage to ground water. Additionally, we believe the tailings are currently kept wet with mine water, pumped out of the mine to keep it dewatered. It is quite possible that as sulfide ores in the mine oxidize, the pH of the pumped water could decrease, and the tailings could leak to a higher degree with more severe impacts to ground-water quality.

75-5

The amount of wetting for dust control is not the factor of importance. Downward seepage is controlled by how slurry is deposited in the pond, by native soil permeability, and by permeability and attenuation properties in the unsaturated zone. The pond deposits were assumed saturated in the modeling studies that demonstrated no water quality impacts. Thus, wetting for dust control would not alter the base conditions.

75-5

There is no evidence to indicate a significant presence of sulfide ores; in the modeling effort, the pH of the pumped water was indirectly calculated at a range of values by changing the values of Kd (adsorption distribution coefficient) which is directly dependent on pH.

6) Page 2-13 The hydraulic gradient is listed as 200 feet per mile. I believe this is about an order of magnitude higher than

75-6

Please refer to Response to Comment 48-16 for a discussion of gradients, hydraulic conductivities, and groundwater underflow.

75-6

Mr. Robert Dale
Page 3
February 9, 1989

that listed in the Dames & Moore (1988) report; and, in turn, supposes a higher ground-water flow rate beneath the site, resulting in unrealistically low concentrations of contaminants in ground water. The calculated hydraulic conductivity is highly approximated, owing to the minimal observed drawdown in pumping tests of wells at the Guadalupe site.

How were USGS data used to determine ground-water flux beneath the site?

7) Page 2-17 Why were no studies done to establish hydraulic conductivities of soils (preferably in situ), especially since the soils are purportedly to serve as a "seepage barrier?" We believe such information is essential to determine potential ground-water quality impacts, particularly in the early stages when native soils, not tailings, will dictate infiltration rate.

8) Page 2-19 The bulk of the study area is covered with what is called Rock Outcrop-Raton Complex. It is unclear how this soil can be both well drained and slowly permeable. It would seem that it can be one or the other, not both.

9) Page 3-9 The last sentence of the first paragraph is virtually unintelligible. For example, "...the quality of ground-water would not be modified as a result of tailings pond seepage to the extent that water used by established users was measurably reduced..." How can a reduction in ground-water quality cause a reduction in usage?

The second paragraph makes many suppositions based on few facts, including:

a. It is assumed that all ground water flowing beneath the Guadalupe Mountains site reports to springs or directly recharges the Red River or Rio Grande over a specified reach of those rivers. No information was given on how accretion studies were performed in those rivers, or how recharge to the rivers from opposite sides of the canyons was accounted for.

b. It is stated that virtually no draw down was observed in ground-water monitor wells, even with pumping rates as high as 175 gallons per minute. In the same paragraph, it is stated that a transmissivity was calculated based on the specific capacity of the well. How is this done without draw down? Wouldn't the assumed specific capacity be too low (since presumably, some draw down was assumed, or else specific capacity would approach infinity)? While this may work in Molycorp's favor because it suggests more underflow

75-7 Studies of soil hydraulic conductivity were performed by Geokon (see Response to Comment 75-1).

Modeling studies on contaminant transport conducted by Dames & Moore (1987) did not assume the presence of native soils as a seepage barrier as would be the case in practice. The modeling study was, therefore, a conservative approach to estimating the transport of contaminants beneath the tailings pond since additional attenuation of metals is expected to occur through the soils. A number of other conservative factors also utilized in the contaminant transport modeling included the use of higher seepage rates than those estimated by Geokon (1988) and the use of conservative adsorption distribution coefficients.

75-8 The Raton soil is both slowly permeable and well drained. It is slowly permeable due to a very stony silty clay loam to clay subsoil which meets Soil Conservation Service (SCS) criteria for slow permeability. It is well drained according to official SCS soil series description for the Raton soil. Water moves slowly through the soil, but impeded drainage characteristics (soil mottling, presence of a shallow water table, etc.) are lacking, and hence the soil is well drained. All of the soil data for the Raton soil has come from the Soil Survey of Taos County and Parts of Rio Arriba and Mora Counties, New Mexico (SCS 1982).

75-9 The intent of the sentence is to say that no established use of groundwater would be impacted as a result of seepage from the proposed pond. See text revision noted in Section 3.1.

75-10 Accretion values come from two sources, both of which are almost identical in value (approximately 50 cfs underflow for a 5-mile wide cross-section). Data from U.S.G.S. flow measurements (reported in Dames & Moore 1987) were used whereby approximately one-half of the total accretion for the area was credited to each side of the canyons. A more recent study by Vail (1988) of regional water balances concluded similar underflow for the project site. (See Response to Comment 48-16.) The 50 cfs of underflow represents groundwater discharging from the north bank of the Red River and the east bank of the Rio Grande.

75-11 Pump tests were conducted by Dames & Moore on two new onsite wells. Virtually no drawdown was measured, however, the barometric effects on the well were substituted into the calculations of transmissivity. The Jacob Straight Line Approximation Method for a single well was used which resulted in a very conservative estimate of transmissivity. The resulting value (310,000 gal/day/ft) represents a minimum estimate for transmissivity given the fact that virtually no drawdown was recorded during the pumping test of the well.

Mr. Robert Dale
Page 4
February 9, 1989

is actually occurring and hence, greater dilution, it proves nothing with respect to corroborating calculated spring discharge and river accretion.

c. All assumptions are based on a hydraulic continuum beneath the site. However, because the volcanics are highly fractured, this is likely not the case. Accordingly, tailings pond seepage could flow along a preferred flow route (fracture) where not nearly as much dilution will occur as in a continuum.

In the third paragraph a calculated transmissivity of 1.8 x 106 gal/day-ft is given; this is puzzling when you consider that there was no draw down. Indeed if this T value were correct, the resultant draw down in the pumping well being pumped at 175 gpm would be about 0.1 feet. This would be negligible, especially given the difficulties inherent in trying to measure accurately out of a depth of 600 to 1200 feet. Also, how was well efficiency treated in the pumping tests? No mention is made of that issue, which could in itself account for the minuscule draw down observed.

10) Page 3-10 The assumed aquifer thickness of 100 feet is poorly substantiated, especially since this is an unconfined system.

In the second paragraph it is stated that seepage from the impoundment would range from 0.2 cfs to 0.5 cfs. However, the lowest value shown in Table 3-4 (page 3-11) is 0.3 cfs. Also, Table 3-4 assumes the soils at the site to have a vertical hydraulic conductivity of 1 x 10-5 cm/sec, although apparently no tests were done to confirm this. All seepage estimates are based on the presumption that slimes will be separated from sands, although it is never stated whether MolyCorp intends to cyclone the tailings or simply use gravity separations. This could make a substantial difference in the sorting of the tailings and in resultant hydraulic conductivities.

With regard to seepage through the unsaturated zone, it appears that all estimates are based once again on a hydraulic continuum. It would seem more likely that seepage would follow preferred routes (i.e., fractures), and that some seepage would arrive at the water table much sooner than the predicted five years from TDS and sulfate. (It is never stated what the depth to water is at the site, only how deep wells are, so it is impossible to calculate what the assumed seepage rate is). Preferred flow rates could lead to less sorption and faster arrival of retarded contaminants than the 30-year estimate given.

Because measurable drawdown was not observed during the pumping tests, an actual value of transmissivity could not be quantitatively generated with confidence. An alternative method of determining an estimate of transmissivity involving the relationship between specific capacity and transmissivity was utilized. Values of transmissivity resulting from this relationship were much higher (1.3 to 1.8 x 10-6 gal/day/ft) than those of the Jacobs Straight Line Approximation method supporting the conclusion that the Jacob method produced a value which is very conservative and not representative of actual formation conditions. Values from the literature for similar volcanic environments were examined for comparison and it was concluded that the higher values generated for the Guadalupe site were more realistic.

Using the more realistic values of transmissivity and invoking Darcy's Law, an underflow of 51 cfs over a 5-mile distance was calculated. This results in approximately 10 cfs/mile which is comparable to the estimate given by the accretion study (see Response to Comment 75-10). This corroboration indicates that the estimate of transmissivity based on the specific capacity relationship (the higher value determined for transmissivity) is the most representative of actual formation conditions.

Details of the pump tests and analyses performed are contained in a report by Dames & Moore (1988).

Please see Response to Comment 48-16 for additional discussion on these issues.

As discussed in the Response to Comment 48-16, the mixing depth is not solely a function of geologic controls such as faults or fractures. Other factors, which may be indirectly related to geologic controls must also be considered. These factors include vertical gradients, volume of underflow, thickness of aquifer, and hydrodynamic dispersion. In addition to wells GM-4 and GM-5, on-site Corps of Engineers wells, drill cuttings, and geophysical logs were also used to interpret the presence of interflow zones. Additional details have been presented in a draft report submitted by MolyCorp to the New Mexico EID in October 1989. Please see the Response to Comment 48-16 for further discussion.

See Response to Comment 75-11.

See Response to Comment 48-16.

The text on page 3-10 of the Draft EIS has been modified to more accurately reflect the data in Table 3-4 (see Revisions to Draft EIS, Section 3.1). The estimated vertical permeability of the tailings is based on sample tests, estimates from other tailings pond operations, and other experience with tailings ponds. More detail can be found in the report by Geocon (1988) referenced in the Draft EIS.

Letter 75 Continued

Response to Letter 75 Continued

Mr. Robert Dale
Page 5
February 9, 1989

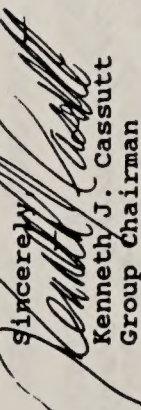
In addition, not only would seepage not uniformly affect the water table, it appears that a 100-foot mixing zone was used to get resultant contaminant concentrations. This is absurd. There is no way water will instantly mix to 100 feet. No substantiation is given for the assumed mixing zone, which is totally unrealistic.

75-17

11) Page 3-14 MolyCorp states that ground-water quality in the area will not be significantly impacted. However, MolyCorp has no good hydraulic data on the underlying aquifer, ignores what influence fracture flow may have on flow rates, assumes a mixing zone in the aquifer two to three times what might be reasonable, has no evidence as to conductivities of underlying soils and generally produces all corroborating data via vague generalizations. It appears that in reality, MolyCorp has done little but put in two wells which presumably have given it a depth to water value. That aside, little more is known about ground water conditions at the site than before the tailings were planned. Given the depth to water, and the potential for calamitous effects to water quality, it would be in MolyCorp's best interest to select an alternative site where impacts to ground water could be better quantified, or effectively line the Guadalupe Mountain site with a low permeability compacted clay.

75-18

Thank you for your attention to these comments.

Sincerely,

Kenneth J. Cassutt
Group Chairman

The tailings will be cycloned and pumped at approximately 40 percent solids content to the tailings disposal area where they will be discharged from several different sites around the perimeter of the pond in a manner to provide an even distribution of the tailings and to provide a central location for impoundment water (clarification pond). For more discussion on these issues refer to Response to Comment 48-12.

75-16

On page 2-13 of the Draft EIS, the depth to groundwater is given as 785 feet below ground surface. Geologic examination of cores and examination of geophysical logs for drill holes generated data to support a conclusion that no single fractures exist through the unsaturated zone. One can also examine outcrops in canyon cross sections for verification of this factor. Conservative values for all parameters were used in the model that yielded 5 years of travel time for nonmetals through the unsaturated zone. See also Response to Comments 75-12 and 48-16.

75-17

Please see Response to Comment 48-16.

75-18

Please see Responses to Comments 27-2 and 63-5.

BLM

ATTENTION: ROBERT DALE,
ALBUQUERQUE DISTRICT OFFICE
435 MONTANA N.E.
ALBUQUERQUE, NEW MEXICO 87107

February 8, 1989

3 FEB 9 P2:54

010 ALBUQUERQUE, N.M.

Re: Proposed Maycove Tailings Facility

Dear Mr. Dale,

In addition to my concern for health risks associated with 'chronic low-level heavy metal exposure' to the residents of Questa from the Maycove current and proposed tailings emissions I would like to add my concern for the potential of health risk associated with airborne contaminants of silica from these tailings ponds.

In that silica comprises 60-70% of the two main ores in the tailings I feel this must be given due consideration in assessing health risks. Silicosis has an incubation period of 15-20 years whereby lung xray changes become visible. Silicosis, known as 'white lung disease in miners' has shown to exhibit lung xray changes even after exposure has been stopped.

TO: ROBERT DALE -2 -
BLM

THE POSSIBLE ADVERSE HEALTH EFFECTS RAISE SIGNIFICANT AND AS YET UNANSWERED QUESTIONS. WITH THE HISTORY OF BOTH STATE AND FEDERAL AIR QUALITY VIOLATIONS SHOWN TO BE PRESENT WITH MARYCOOP'S PAST DUST CONTROLS AND BOTH MARYCOOP'S AND THE EDO'S PAST AIRBORNE IT SEEMS REASONABLE TO ANTICIPATE THAT THESE ISSUES WILL AND DO CONTINUE TO PRESENT A CONCERN FOR CONCERN.

STUDIES TO DETERMINE ACTUAL HEALTH RISK ARE DIFFICULT IN RESPECT TO SILICA EXPOSURE, DUE TO THE POSSIBILITY OF ADVERSE HEALTH EFFECTS FROM SOCIAL XRAY MONITORING. TO ENSURE THAT THE RESIDENTS OF QUESTA MAY RIGHTLY ASSESS THEIR POTENTIAL OF HEALTH RISK ASSOCIATED WITH THE MARYCOOP TAILINGS DUST INCLUDING AS A PART OF THE FINAL EIS:

- 1) SILICA EXPOSURE AS AN HEALTH RISK (TABLE I, P. X).
- 2) SILICA LEVELS IN COMPARATIVE TRACE METAL CONCENTRATIONS (TABLE 3-10, P. 3-39).
- 3) SILICA LEVELS IN MAXIMUM POTENTIAL HUMAN EXPOSURE AT TAILINGS DISPOSAL FACILITY (TABLE 3-11, P. 3-40).
- 4) FOLLOW-UP HEALTH INVESTIGATIONS OF THE STUART WALK-OUT AT QUESTA HIGH SCHOOL (1984) AND THEIR COMPARISONS

76-1

76-1

At 65 percent of total dust, silica levels may approach 50 percent of the Threshold Limit Value (TLV) for silica during the predicted, worst-case, 24-hour period. Of this 50 percent, 78 percent would be contributed by the tailings. However, exposure to silica is not appropriately measured on a short-term basis, silicosis being a chronic (long-term) disease, rather than an acute (short-term) disease. The predicted maximum contribution of the tailings to the annual average respirable dust level (PM-10) would be 2 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) of total dust, of which $1.3 \mu\text{g}/\text{m}^3$ (65 percent) would be silica. This is 0.013 of the TLV for free, crystalline silica. No human health risks have been identified that would result from the proposed project.

Comments regarding health surveys are addressed in Response to Comment 73-3.

To: Robert Dae

-3-

BEM

OF BURNING EYES, THROAT AND RESPIRATORY PROBLEMS.

5) HEALTH SURVEYS FOR THE DETERMINATION OF PRESENTLY EXISTING HEALTH RELATED COMPLAINTS.

6) THE SOLICITING OF SCHOOLS OF PUBLIC HEALTH-GRADUATE PROGRAMS TO DEVELOP AND CONDUCT THESE HEALTH RISK INVESTIGATIONS.

I SEE THE CHILDREN OF THIS COMMUNITY AS A PART OF MY WORK AND AM TRULY AWARE OF THE NEED FOR A STRONGER ECONOMIC BASE TO ASSIST IN MEETING THEIR BASIC HEALTH NEEDS. I REQUEST ONLY THAT WE PROCEED WITH CAUTION AND FORESIGHT. THANK YOU.

Sincerely,
Mary Harrison, RN

cc: Juan Aragon, Supt.

Gary Zaret, M.D.

Victor Lacerda, M.D.

Michael Stravick, M.D.

76-1

Cont.

BLM

January 20, 1989

Attention: Robert Dale
Albuquerque District Office
435 MONTANA N.E.
Albuquerque, N.M. 87107

Ref: BLM/Molybdenum/PUBLIC
OFFICIAL HEARING

Dear Mr. Dale,

My name is Mary Harrison. I am a registered nurse who has lived and worked in the community of Questa for eight years. This is my fifth year as Questa District School Nurse.

There are many aspects of concern about the Molybdenum ^{all important} Tailings impact on the community of Questa but health risks are critical issues. My reason for being here is to insure that health risks associated with the Tailings ponds' toxic emissions are investigated on behalf of the children and residents of this community.

I have read the EIS pertaining to the Molybdenum Guadalupe Mountain Tailings Facility in view of the potential of health risks.

In reference to Item 3.4, titled Health Risk Assessment, I am concerned that this data is insufficient in trying to assess the health risks of the Tailings to this community.

This study does not reflect a thorough investigation into health risks associated with 'chronic low level exposure' to heavy metals as shown to be present in the Tailings (Tables 3-10 + 3-11) of the EIS.

76-2
Comments regarding lead and heavy metals are addressed in Responses to Comments 71-1 and 72-1. Please refer to Response to Comment 27-6 regarding soils of the western United States.

-2-

Of particular concern here is the lead concentration level of 180 parts per million present in the tailings. Studies show that lead accumulates in the brain, bone and liver. High lead levels in the body have been associated with brain damage taking the form of developmental delays and learning disabilities in young children. Too much lead can weaken T cells which are a crucial part of our immune system and defense against cancer. Early detection and treatment of lead poisoning is crucial to insure the highest quality of life possible.

76-2
Cont.

In specific reference to Tables 3-10 + 3-11, I find these same lead concentrations to be of concern because we do not know what lead levels the people of this community have. The mean used in these tables is from soils of the Western U.S. and may not be indicative of New Mexico soil lead concentrations. The mines of this community and their family members have been exposed to tailings dust on a fairly continual basis over a long period of time (i.e. dust on miners clothing, breathing airways containing dust and eating plants and domestic livestock from the wind pathways of the tailings pond). It is my feeling that if

-3-

IS WRONG TO ASSUME THAT BY ADDING 0.67% TLV OF LEAD FROM TAILINGS EMISSIONS TO THE MEMBERS OF THIS COMMUNITY DOES NOT POSE A HEALTH RISK. YOU HAVE FAILED TO DETERMINE PREEXISTING LEAD LEVELS IN THE LOCAL POPULATION OF YOUR STUDY.

IN WORKING AT TABLE I - SUMMARY OF IMPACTS, THE HEALTH RISKS LISTED ARE LIMITED TO "PUBLIC EXPOSURE TO WIND-BLOWN TAILINGS DUST." THERE IS NO MENTION OF EXPOSURE TO THE HEAVY METALS AS LISTED IN YOUR STUDY. I FEEL METAL EXPOSURE NEEDS TO BE LISTED AS A MAJOR HEALTH RISK.

ON FURTHER REVIEW OF THE EIS THERE ARE ABSENCES OF LEAD LEVELS. WHILE LEAD IS LISTED IN TAILINGS IN SIGNIFICANT CONCENTRATIONS (AGAIN TABLE 3-10+3-11) THE COMPARATIVE TRACE METAL CONCENTRATIONS OF POLYCORD TAILINGS IT IS NOT SHOWN IN TABLE I-3 AND TABLE II-4 THE TYPICAL WATER QUALITY DISCHARGE FROM TAILINGS IMPOUNDMENT AND WATER QUALITY OF THE RIO GRANDE AND RIO RIVER. MY QUESTION IS - WAS LEAD NOT PRESENT HERE IN MEASURABLE LEVELS OR WAS IT OMITTED ON OMISSION.

I FEEL IT IS THE RESPONSIBILITY OF MARYCOOP TO RESPOND TO THE POTENTIAL OF HEALTH RISKS IN THIS COMMUNITY FROM THE TOXIC EMISSIONS

76-2

Cont.

-4-

OF THE CURRENT TAILINGS pond BEFORE ANY
FURTHER CONSIDERATION IS GIVEN TO CREATING
A NEW ONE. THE SAMPLING AND MONITORING
OF SOIL AND LEAD LEVELS OF RESIDENTS OF THIS
COMMUNITY IS A RECOMMENDED COURSE OF
ACTION. STUDIES SUCH AS THIS CAN BE
PERFORMED BY PRIVATE LABORATORIES AND
INTERPRETED BY MEDICAL EPIDEMIOLOGISTS, OR
THROUGH THE STATE HEALTH DEPARTMENT AND
CENTER FOR DISEASE CONTROL (DCE-ATLANTA).

IT IS MY REQUEST THAT THESE HEALTH
ISSUES BE ADDRESSED AND CURRENT MONITORING
AND HEALTH RISK DATA BE MADE AVAILABLE
TO THE RESIDENTS OF THIS COMMUNITY.
THANK YOU.

Sincerely,

Mary Harrison, RN

cc: Juan Arason, Supt.

Dr. Gary Zaret

Dr. Victor LaCueva

Dr. Michael Stewart

Mr. Robert Dale
Bureau of Land Manazement
Albuquerque District Office
435 Montana, NE
Albuquerque, NM 87107

February 5, 1989

03 FEB 9 P 3: 03

610 Albuquerque, N.M.

Dear Mr. Dale:

Regarding Moly Corp's proposal for a waste dump in the Guadalupe Mountains, it is my firm belief that the petition submitted in favor of the waste dump is very inaccurate and IS NOT endorsed by a lot of people from the community of Cerro. Before that petition is considered by the BLM, consideration should be given to the man who organized the petition, Mr. Gilbert Segura of Cerro.

When the issue of an airport being constructed in Cerro, in the vicinity of Mr. Segura's residence, he was the one who was the most opposed. At the time Mr. Segura was very much concerned about the wildlife that would be impacted, noise pollution and on and on. Now he turns around and doesn't give a damn about wildlife OR any aspects concerning the impact that Moly Corp's dump would bring to the Guadalupe Mountains and our community of Cerro.

Enclosed is a petition, that I, Joe Vigil, submit on behalf of the people of the community of Cerro, NM. These people live right here Mr. Dale, these are not people who would come to work at Moly Corp from 50 to 100 miles away and can care less what happens to the Guadalupe Mountains. This constitutes more than half of the community's households. Their voice must be heard too.

These, Mr. Dale, are the true natives of Cerro. The silent ones, afraid to voice their concerns, afraid of the monster (Moly Corp) over the mountains. Silently they pray - ah la Virgen de Guadalupe, to protect and keep the Guadalupe. Silently they wait for their backdoor mountains to be destroyed.

These People, Mr. Dale, must not be ignored.

Sincerely,

Joe P. Vigil
Cerro

cc: Honorable Manuel Lujan
Congressman Bill Richardson

Letter 77

Thank you for your letter.

TO:

Bureau of Land Management
Mr. Robert F. Dale
BLM - Albuquerque Office
435 Montana, N.E.
Albuquerque, NM 87107

January 25, 1989

We the undersigned citizens of Cerro, NM who stand to get the biggest impact from MolyCorp's proposed tailing dumps, strongly object to the petition submitted January 20, 1989 on our behalf. While jobs to our people or the opening of the mine have not been guaranteed, the impact to our community can be detrimental. The community of Questa has been exposed to air and water contamination too long. These issues need to be addressed properly as they affect our children also. The beautiful Guadalupe Mountains have been used for prayer, grazing, and many other traditional land uses.

We strongly urge you not to allow MolyCorp Inc. to relocate its tailings ponds at this proposed new site for Health, Environmental and Traditional land uses. Furthermore, we urge you to help determine the health effects posed on our children from the present tailings dust at the Questa schools. We hereby authorize that this petition or copies thereof may be given to federal, state and local authorities to make known our opposition.

This petition contained
100 signatures.

RECEIVED P.O. Box 454
BLM
Questa, NM 87552
09 FEB 9 P3:03 Feb 7, 1989

Mr. Robert Dale, BLM
010 ALBUQUERQUE, N.M.

Albuquerque District Office

435 Montana NE

Albuquerque, NM 87107

Dear Mr. Dale:

I am writing you in regard to the Environmental Impact Statement put out by BLM in December, 1988, to evaluate the PolyCorp Knatschke Mountain Tailings Disposal Facility which has been proposed

I am the Family Nurse Practitioner here at the Questa Clinic and I live in the area of Caro.

I am concerned about the possible long-term epidemiological health effects which the present tailings site may have already caused, as I have noticed an unusual amount of hayfever and other upper respiratory ailments in this community during the past 2 years I have worked

Letter 78 Continued

Response to Letter 78 Continued

(2)

here at the clinic. Moreover, I am concerned about the potential for compounding the health problems already present if another tailings site were to open.

My question is: Would MolyCorp be willing to prove its safety and health record by funding a community-wide screening here in Questa to check serum levels of lead, arsenic, zinc, and silica on a randomly selected sample of the population? I would be happy to draw the blood samples myself and have some friends help if necessary.

If such a screening shows essentially normal serum levels of these substances in people living downwind from the present site, then I would feel that MolyCorp's assertion about no long-term ill effects to health would be justified.

Please contact me at 586-0315 or through my box number if I can be of help.

Sincerely,
Susan Barker, FRP

78-1

78-1 See Responses to Comments 53-3, 71-1, 71-2, 72-1, 73-3, and 76-1.

Mr. Robert T. Dale
BLM - Arizona, Dist Office
435 Montano Rd NE
Albuquerque, N Mex 87107

Re: Comments on Draft CIS
Molybdenum Tailings Disposal
Facility

Mr. Dale,
I have reviewed the subject document and
herein provide the following comments for
consideration and response in the final CIS:

1-2 The integrity of the "spitting" slurry pipeline has
long been suspect, based on the many spills
that have occurred. What changes if any have
been made (or will be made) to address the
problem?

1-14 What "chemically inert stabilizer" (surfactant)
will be used to treat dry tailings? Good
treatment may or may not be effective depending
on which compound is selected.

1-20 Molybdenum's track record indicated a rather
cavalier attitude towards environmental
protection, particularly in the area of pipeline leaks
and water quality. If millsite claims were
patented, then BLM controls / improvement

RECEIVED
CLM

09 FEB 9 P 4: 33

010 ALBUQUERQUE, N.M.

79-1

79-2

79-1 See Response to Comment 63-2.

79-2 See Response to Comment 27-7.

79-3

authority would be required. Thus by granting patent, B.M. in effect abdicates these responsibilities. Thus the lands should be sold by B.M. (i.e. leased" to Molycorp) as a condition of use for the intended purpose. If performance conditions were not met then the use privilege could be withdrawn. Was this approach ever considered?

79-3

Molycorp has submitted a plan of operations under the current mine law and consideration of leasing or other methods of allowing use is not an option at this time. The mining law is non-discretionary; unappropriated public land is open to location, including mill sites.

3.2.2 Air Quality

Daily and Annual levels of particulates may be misleading in that short term episodes of blowing dust are not reflected in the data. I have personally observed periods of 100% opacity occurring at another molybdenum tailings disposal "pond" - that of BMAX at Climax, Colorado. The document should state that the data presented may not include true worst-case conditions, thus it may not be a true indication of air quality impact of a Tailings site particularly since the area of the new facility is many times that of the existing ponds from which readings were taken

79-4

79-4

As discussed in Section 3.2 of the Draft EIS, the air quality impact analysis used reasonable, worst-case assumptions. Cumulative effects of the proposed and existing ponds are included in Response to Comment 48-5.

79-5

3.7 One foot of soil cover is inadequate. State standards for covering of sanitary landfills is 2 feet. There is no reason why 2' of cover should not be required of Molycorp in this case

79-5

Reclamation plot studies conducted on Molycorp tailings since 1980 by the Los Lunas Plant Materials Center of the USDA Soil Conservation Service (SCS) indicate successful reclamation on 8 inches of reapplied topsoil. Molycorp recommended a reapplication depth of 12 inches. Annual reports of these reclamation studies are available from SCS.

See also Responses to Comments 20-2, 39-1, and 82-4.

3.15 Mitigation

Air Quality - The supplant (unimproved) should be applied "as often as necessary to control dust." The term "frequent intervals" is ambiguous / subjective.

79-6

Mitigation measures are addressed in Section 1.5 and the Response to Comment 48-6.

Vegetation - One part of rower is inadequate. See previous comment. Soil properties chemistry etc should be equivalent to that currently on the site.

79-7

Based on SCS soil survey data, soils in the proposed tailings pond area are basically similar to soils in other Molycorp property areas. Therefore, the chemistry of reapplied soil (salvaged from suitable locations throughout Molycorp's property) would be similar to that of native soil in the proposed tailings pond area. See also Response to Comment 39-1.

Wildlife - Proposed mitigation measure (1) to relocate the watering structure is woefully inadequate! Rowers which should be addressed include

- replacement of the dirt tank water source
- Molycorp purchase / consequence of equivalent area & quality of habitat to BLM.

79-8

As indicated on Table 1-4 of the Draft EIS, the U.S. Fish and Wildlife Service must determine compliance with the Fish and Wildlife Coordination Act of 1934. Though some potential mitigation measures had been discussed at the time of the Draft EIS, none had been finalized so they were not available for publication. Consultation under the Fish and Wildlife Coordination Act has been completed and additional required mitigation measures developed. See Section 1.5 of the Final EIS.

How does BLM propose to insure that "Required" mitigations measures will in fact occur? The document has previously stated that if the land is patented then the Operations Plan no longer applies. All mitigation measures should be established as stipulations / conditions of either approval or grant of patent.

79-9

Refer to Responses to Comments 39-1 and 48-6.

Please make these comments and BLM responses a part of the EIS record.

LARRY T. CAWSON
1025A Phoenix Dr. SE
Albuquerque, N.M. 87108

Letter 80

Response to Letter 80



Taos County Chamber of Commerce

010 ALBUQUERQUE, N.M.

February 8, 1989

Mr. Alan Hoffmeister, Public Affairs
Bureau of Land Management
435 Montano Road NE
Albuquerque, NM 87107

Dear Mr. Hoffmeister:

The Board of Directors of the Taos County Chamber of Commerce wishes to express their support for the approval of the Guadalupe Tailings Site in Taos County as proposed by Moly Mine.

We feel this is important to revitalizing the Taos County economy and providing work for an important sector of our population.

Sincerely,

Andy Chavez
Andy Chavez
President

AC/rk

Letter 80 Thank you for your letter.

Robert T. Dale
Bureau of Land Management
435 W. 8th St. P.O. Box 55
Albuquerque, N.M. 87107

P.O. Box 2112
Taos, N.M. 87571
February 7, 1989

Re: Proposed Molybdenum
Mountain Tailings Facility

Dear Mr. Dale,

Because the construction and maintenance of the proposed tailings facility would cause environmental damage, some of it irreparable, and because Molybdenum is not in need of the proposed tailings pond for some time to come (perhaps never if the mine does not operate for enough a fully enough), the proposed tailings facility should not be approved at this time, or, at most, should be approved subject to certain conditions, as spelled out below.

The vital economic importance of Molybdenum to Taos and our people requires that we give serious attention to the proposal. On the other hand, the vital economic importance of tourism (and the beauty of an area to tourism), plus the need to respect the earth and the ecological balance which is essential to its habitability, require that we give serious attention to the environmental concerns that have been expressed

and place conditions upon the construction and maintenance of any new tailing facility. Molycorp has acknowledged that its present tailing facilities still have eight to ten years of capacity, depending on the level of operations. Therefore there is no present

81-1

See Response to Comment 2-2.

No need at present. Future operations based upon need. The future conditions:

need for new tailing facilities. Molycorp can operate with the present facilities and provide the people of Tazewell with the employment we so badly need and do so without any further environmental degradation.

If, after five years of operations with the present facilities, Molycorp seeks to continue its operation and if it demonstrates then that it needs to build the proposed tailing facility in order to do so, I would then favor approval of the proposed tailing pond as long as certain environmental safeguards are mandated. Among these safeguards should be: The new tailing facility will not at any time violate state or federal air and water quality standards; and Molycorp will guarantee, in a legally enforceable manner, that it fully reclaim the dam site after the tailing ponds are no longer in use.

81-2

See the mitigation measures identified in Section 1.5. Monitoring of groundwater quality would be required by the New Mexico Environmental Improvement Division.

81-3

BLM will require a bond to ensure reclamation. The bond would be used at the initiation of BLM. Any other party that felt the terms or conditions of the plan of operations were being violated could work through BLM to correct any alleged non-compliance. The bond would have to have an end point. Typically, this would be when the revegetation efforts were successful. The bond would be released as of the patenting of the site, should that occur. See also Response to Comment 39-1.

To ensure enforceability of the reclamation condition, Molycorp should post a performance bond, enforceable by ~~with~~ any one of the United States, State of New Mexico.

81-3

81-3
Cont.

and Tazoo County, and in an amount sufficient
to perform such reclamation ^{for a term of} forty years in the future.
Such bond must remain in effect even if Majorce
were to patent the site.

Of all the above conditions are met, then, because the economic benefits would outweigh the environmental consequences, I would favor the future approval of the proposed tailing facility. However approval of the tailing ponds at the time or without these ^{above} conditions would result in undue and unnecessary environmental degradation.

Thanking you for your attention
to this important matter, Dear

Very truly yours,

Styler

Letter 82

Response to Letter 82

RECEIVED
ELK

39 FEB 10 P 1: 38

Terrell H. Johnson
P.O. Box 327
Los Alamos, NM 87544

February 6, 1989

Robert T. Dale
Bureau of Land Management
Albuquerque District Office
435 Montana NE
Albuquerque, NM 87107

010 ALEBUJCKRUE, N.M.

Dear Mr. Dale:

The following comments regard the DEIS for the MolyCorp Guadalupe Mountain Tailings Disposal Facility. I commend the study efforts that have been commissioned since the original EA was performed, but want to address a need for more analysis. First, some omissions. The DEIS response to the public concern about maximum levels of toxic substances was inadequate because Tables 1-2 and 1-3 give only "typical" values. Averages, ranges, and the number of samples should be reported. Also, Table 2-4 omits the New Mexico Quality Control Commission Standards to which the text (p. 2-9) referred.

82-1

82-1 See Response to Comment 51-2. Water quality standards have been added to Revised Table 2-4 (see Section 3.2 of the Final EIS).

Viewing the DEIS as an analysis of the impacts of MolyCorp's Plan of Operations for a tailings disposal facility on land claimed under the 1872 Mining Act, I understand why no alternative locations were addressed. However, the EIS still should address various alternatives of operation, particularly with regard to reclamation. The Santa Fe National Forest did this in a recent environmental assessment for an Plan of Operations for a proposed block pumice mine in the Jemez Mountains. The Guadalupe Mountain DEIS does state what mitigation measures were developed as a result of the environmental analysis, but without a comparison of a range of alternative mitigation measures, I find it impossible to know how well the proposed mitigation measures for the Plan of Operations would serve the public interest.

82-2

82-2 See Section 1.4, Consideration of Alternatives, and Response to Comment 21-1.

The DEIS has not made it clear why 1,230 acres (enclosures in Appendix A refers to 1,320 acres--which is correct?) are necessary to contain a project that will cover 825 acres. Figure 1-5 shows many of the remaining 405 acres are peripheral to the planned development area. Any proposed use of the peripheral five-acre millsite claims should be explained to justify their inclusion in the project. If they are unnecessary, they should be omitted from the project area.

82-3

82-3 The acreage of the mill site claims area given in the Draft EIS (1,230 acres) is the correct number. The 1,320-acre number noted by the commenter from Appendix A was the size of the original mill site claims area. At the request of the BLM, MolyCorp voluntarily reduced the size of its mill site claims to give up parcels of land extending to the west used to obtain access to a monitoring well site. Under the Mining Law, mining or mill site claims are staked in 5-acre parcels of land. MolyCorp prescribed the general area of the tailings disposal facility and staked a claim area that would accommodate that facility and a buffer area, including roads and other linear features that would connect the proposed facility to MolyCorp's existing property west of Questa.

Most seriously, reclamation requirements are too nebulous. While effective rooting depths are "60 inches or more" in the native soils found on more level portions of the project area, it is difficult to see how "a minimum of 1 foot of topsoil" will meet "criteria for species composition and cover comparable to native vegetation in the area" or prevent "detrimental uptake of potentially toxic material through the food chain." Specifying an "appropriate seed mixture" and "selected native plant species" provides no basis for assessing the planned reclamation.

82-4

82-4 A mitigation measure in the Draft EIS provided for the development of a detailed revegetation plan prior to but near the time of facility closure. See Section 1.5 of the Final EIS which outlines some of the general objectives of the revegetation effort.

See also Responses to Comments 20-2 and 39-1.

The DEIS should present detailed reclamation plans, including exact topsoil characteristics and depths, seed mixtures, and evidence concerning the effectiveness of planned reclamation measures. The analysis assumes that reclamation will be successful, but the DEIS presents no evidence to that effect.

The Biological Opinion of the U.S. Fish and Wildlife Service concerning the peregrine falcon is 6 years old, and outdated. I note your 1986 request for review of the prey base study by the Fish and Wildlife Service, but other relevant information has been developed since 1983 that the Biological Opinion did not recognize. This includes a greatly expanded knowledge of peregrine prey selection, foraging ranges, and mortality rates. The Biological Opinion and therefore the analysis of the DEIS is based on some facts that are now known to be incorrect. Moreover, management direction has changed since 1983. The 1984 revision of the American Peregrine Falcon Recovery Plan (the DEIS references the 1977 Recovery Plan) and a 1985 interagency agreement made by the Fish and Wildlife Service both place management emphasis on maintaining and enhancing habitat. Full implementation of this approach requires assessment of the suitability of all potential nesting habitat within foraging range of the project area, and this has not yet been done. The Fish and Wildlife Service should be asked to review their 1983 opinion in light of such new information and direction.

82-5

Finally, I would like to recommend three mitigation measures, each to "prevent unnecessary or undue degradation of Federal lands":

- 1) To postpone the expansion of tailings areas, use of the new facility for tailings disposal should not be permitted until the old settling ponds are filled and no longer usable, i.e., until a clear and present need exists. Of course, construction would occur earlier.
- 2) To guarantee successful reclamation, the reclamation plan should detail soil types, amounts, and seeding and planting requirements and should be scientifically demonstrated on suitable test sites before operations begin. Continued use of the old ponds until they reach capacity will provide time to demonstrate reclamation.
- 3) To minimize terrestrial impacts, the size of the project area should be reduced to cover the minimum practical area necessary for the planned operation.

Thank you for this opportunity to comment.

Sincerely,

Timell H Johnson

82-5

Compliance with the Endangered Species Act was determined by the U.S. Fish and Wildlife Service with their preparation of the Biological Opinion in 1983 as was noted. Additional information relative to the prey base for the peregrine falcon and other species was gathered in a study commissioned by the BLM (Kennedy and Stahlecker 1986). This information was forwarded to the U.S. Fish and Wildlife Service with a request for review and a determination if further consultation was needed under Section 7 of the Act. At that time both the 1984 revision to the Recovery Plan and other recent agreements of the Fish and Wildlife Service were available to the agency and it was determined that no additional consultation was necessary (Appendix C to the Draft EIS). Because of the time delay in preparation of the Draft EIS, the U.S. Fish and Wildlife Service was again contacted in mid-1988 relative to Endangered Species Act compliance and there was no request for reopening consultation.

Letter 83

Response to Letter 83



Eagle Environmental

P.O. Box 507
Abiquiu, NM 87510

Mr. Robert T. Dale
Bureau of Land Management
Albuquerque District Office
435 Montana NE
Albuquerque, NM 87107

03 FEB 10 P 1: 41

010 ALBUQUERQUE, NM

February 7, 1989

Dear Mr. Dale,

We are writing to express our concerns about the Draft EIS for the proposed Guadalupe Mountain Mill Tailings Site. Our comments are itemized below by page number in the EIS.

1. Pages 1-13 and 1-14 - What are "typical" values? Are these the mean sample values? lowest recorded values? The sample size, mean and range of these values should be presented. In particular, Table 1-3 should contain samples that were taken immediately after a pipeline spill. A true assessment of unnecessary and undue environmental degradation should be based on the worst case scenario which incorporates the maximum recorded values of the pollutants presented in these two tables.

2. Pages 1-16 and 1-17, Section 1.4 - It is not clear to us that the Mining Law (43 CFR 3809) specifically states that an agency does not consider alternatives to the proposed action. This appears to be BLM's interpretation but is not the way the mining laws are interpreted by all agencies. For example, the US Forest Service recently evaluated alternatives to a proposed pumice mine in the Jemez Mountains which is also under the jurisdiction of the Mining Law. By not addressing alternatives you are definitely not complying with NEPA. Since Molycorp has already evaluated 15 other sites, it would not be difficult to incorporate their assessments into the EIS. The public could then evaluate whether or not the most suitable site was actually chosen.

3. Page 1-18, the Wild and Scenic Rivers Act of 1968 - Molycorp's existing operations have definitely had a negative impact on the Red River as a result of channelization and frequent spills (See comment 10). Based on their previous performance we are concerned that the proposed project will result in the continuation of this degradation by linking this new tailings site with the existing sites. This could be interpreted as a violation of the Wild and Scenic Rivers Act. It is a federal project that would have a direct and adverse effect on the Red River by promoting old practices.

4. Page 1-18, the Fish and Wildlife Coordination Act of 1934
This act specifies that mitigation measures be developed for wildlife.

83-1 See Response to Comment 51-2.

83-2 See Section 1.4, Consideration of Alternatives, and Response to Comment 21-1.

83-3 See Responses to Comments 28-1 and 63-2.

that take into consideration the cumulative effects of the project. This EIS does not address the cumulative effects of the existing tailings sites (which are currently not reclaimed) and the proposed action on wildlife. Mitigation measures should be developed for wildlife that address cumulative effects. For example, the proposed site should not be used as a tailings dump until the old sites are closed and reclaimed. In addition, the permit should only cover the area needed for operations, e.g., 825 acres, and not include any excess acreage.

83-4
Cont.

5. Page 2-11, Table 2-4 - This table should also include sample sizes and the range of recorded values for the parameters.

83-5

6. Page 3-42, Vegetation, First bullet - One foot of topsoil will not be enough to prevent most shrub and tree species from establishing roots in the contaminated tailings pond. Most arid land shrubs and trees (the dominant native vegetation in the area) have tap roots that far exceed one foot.

83-6

7. Page 3-42, Vegetation, Second Bullet - What criteria will be used by the BLM to evaluate that the revegetation plan would be adequate to prevent detrimental uptake of toxic material through the food chain? The published literature on this subject is scant and will not provide adequate guidance. The best way to evaluate the potential for toxic substance transport is to conduct monitoring studies at reclaimed plots on the current tailings site. If these studies have been conducted the results should be presented in the EIS. If these studies have not been conducted they should be initiated immediately so that preliminary results are available at the time the BLM has to evaluate the revegetation plan.

83-7

8. Page 3-42, Vegetation, Third Bullet - What criteria will the BLM use to determine the size of the performance bond required by MolyCorp? We are concerned that the bond will not be large enough to cover all the costs required to reclaim the site. Based on MolyCorp's current financial status it is quite possible that they could build the new tailings site and then go bankrupt. Another possibility is that they will patent the area after obtaining the permit which could create an unenforceable situation for the BLM. Both of these situations would result in the public inheriting a major health and environmental problem. The bond should be large enough to ensure that MolyCorp pays the bill for the reclamation.

83-8

9. Appendix C, USFWS Biological Opinion - Shouldn't this EIS contain a more recent Opinion than one that is 6 years old? There has been additional information collected on the Peregrine Falcon since this Opinion was written.

83-9

10. General Comment - In the scoping process the public requested that information be presented in the EIS about the spills from the current operations. In your summary of the scoping process this is listed as an item you would consider in the EIS. There are no data

83-10

83-4 Additional wildlife mitigation measures have been developed under consultation with the U.S. Fish and Wildlife Service, New Mexico Department of Game and Fish, and the BLM under the authority of the Fish and Wildlife Coordination Act and have taken into consideration the existing tailings facilities in conjunction with the proposed project. These mitigation measures are presented in Section 1.5 of the Final EIS. See also Response to Comment 79-8. The idea of closing the existing ponds in combination with development of the Guadalupe Site has been raised by several of the resource management agencies as well as members of the public. MolyCorp has stated that one of the objectives of developing a new site is to provide for flexibility in distributing tailings material between impoundments, so that while the initial stages of the Guadalupe site remain small, there is still additional storage available at the existing ponds. The current plans call for closure of the northernmost existing tailings pond (Section 36) when it has reached design capacity followed by closure of the southern pond (Section 35) when the size of the Guadalupe facility has been staged large enough to provide the needed flexibility for discharge internally. A final mitigation measure limits the total area of the ponded surface. See also Responses to Comments 82-3 and 29-4.

83-5 The number of samples is shown in parentheses. The ranges (minima and maxima) are shown on new Tables 2-4a, b, and c in Section 3.2 of this Final EIS.

83-6 See Responses to Comments 20-2, 39-1, and 79-5.

83-7 See Responses to Comments 20-2 and 39-1.

83-8 See Responses to Comments 39-1, 40-5, and 60-3.

83-9 See Response to Comment 82-5.

83-10 In Appendix A of the Draft EIS, this concern was categorized as (3) "a general comment to be considered in preparation of the EIS" rather than (1) "an item to be addressed in the EIS." The existing pipeline system was defined by BLM as outside the scope of project components to be addressed in the EIS. The analysis in the EIS was limited to the proposed tailings facility and those associated components that would be constructed to operate that facility, e.g., the 3.5-mile pipeline extension, the access road, and the patrol road. See also Responses to Comments 3-1 and 56-2.

Letter 83 Continued

Response to Letter 83 Continued

83-10 presented in the EIS on the spill frequencies, locations, and
Cont. effectiveness of clean-up activities. An assessment of the potential
environmental degradation cannot be accurately estimated without this
information.

If you have any questions concerning our comments, please contact
us.

Sincerely,

Patricia L. Kennedy and *Dale Stahlecker*
Patricia L. Kennedy and Dale Stahlecker

RECEIVED

BLM

Feb 4, 1989

Robert Dale 39 FEB 10 P 1:47

BLM

435 Montana Rd, NE
Albuquerque, N.M.

Albuquerque, NM 87107

Dear Robert,

I am writing to express the Albuquerque Group of the Sierra Club's concerns with the new molybdenum tailings pond in the Guadalupe Mountains near Questa. Amigos Bravos has detailed the controversy from an open perspective and I concur in their analysis. A current, in-depth analysis does need to be conducted as environmental, economic, and technological changes must have occurred. The land borders federally protected and should not be abused needlessly.

Thank you for your time

Sincerely
Cathy Butcher
Chairman, S.C. Amigos

Letter 84

Thank you for your letter.

Letter 85

Response to Letter 85



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VI

1445 ROSS AVENUE, SUITE 1200

DALLAS, TEXAS 75202

09 FEB 1989 51

010 ALBUQUERQUE, N.M.

Mr. Robert T. Dale
Bureau of Land Management
Albuquerque District Office
435 Montana N.E.
Albuquerque, New Mexico 87107

Dear Mr. Dale:

In accordance with responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA) the Region 6 office of the Environmental Protection Agency (EPA) has reviewed your Draft Environmental Impact Statement (EIS) for the proposed Molycorp Guadalupe Mountain Tailings Disposal Facility in Taos County, New Mexico.

Molycorp proposes to construct and operate a molybdenum tailings disposal facility on 1,230 acres of public land near Questa, New Mexico and has located mill site claims for this purpose. The project would consist of a 568-acre tailings pond in the saddle of Guadalupe Mountain. The pond would be formed by the construction of two rock-filled dams at either end of the saddle. Other facilities would include a tailings pump station, an extension of the tailings pipeline, tailings distribution lines, access road and a patrol road, a powerline, a seepage collection pond, surface water diversion channels, and a decant water channel. The project would provide additional storage for approximately 200 million tons of tailings from Molycorp's molybdenum mine located approximately 12 miles east of the Guadalupe Mountain.

The following comments are offered for your consideration in preparation of the Final EIS.

Air Quality

Although the predicted air quality impacts at locations of potential public exposure to windblown dust from the tailings (p.3-7) reveals that the values are below the primary National Ambient Air Quality Standards (NAAQS) for all pollutants, computer model predictions (p.3-5) show that there may be exceedances of the former Total Suspended Particulate (TSP)

-2-

standard in an infrequent and highly localized fashion at the project site during various stages of tailings pond development. This necessitates considering stabilization measures such as wetting, spraying, or other measures. EPA no longer recognizes a TSP NAAQS, but the State still regulates particulate concentrations of TSP as well as PM₁₀. Therefore controlling the TSP emissions is within the jurisdiction of the State.

Through discussions with the State air quality control agency, we learned that the State does not have regulations that apply to tailings, therefore an air quality permit will not be required. The State realizes that there are computer predictions that show the former TSP NAAQS may be exceeded and plans to suggest and encourage MolyCorp to employ control and stabilization measures to the tailings pile. We therefore encourage the Bureau of Land Management to clearly address this issue in the Final EIS and identify the plans and stabilization methods that will be used to control windblown tailings dust at the project site.

85-1

Additional mitigation has been identified and is discussed in the Response to Comment 48-6 and in Section 1.5 of this Final EIS.

WATER QUALITY

1. In regards to the tailings management practices identified on pages 1-10 and 1-11 of the Draft EIS, clarification is needed to explain: 1) how discharging tailings along the flanks of the valley between the main dam will minimize sustained contact with open water; and 2) how development of rock quarries will prevent longterm ponding of clear water. Further explanation of these issues should be included in the Final EIS.

85-2

Please see revisions to pages 1-10 and 1-11 (Section 3.1) for clarification of rock quarry and borrow pit placement. See also Response to Comment 48-13.

2. Table 1-2 and Table 1-3 on pages 1-5 and 1-15 respectively provide information on a typical chemical analysis of molybdenum tailings and a typical water quality discharge from a tailings impoundment. The Final EIS should clarify whether these typical analyses and discharges are representative of the MolyCorp facility to be built near Questa, New Mexico and whether other chemical and toxic constituents would occur in the tailings discharges.

85-3

Revised Tables 1-3 and 2-4 (Section 3.2, page 3-4) now indicate the New Mexico Water Control Commission Standards for surface water quality for comparison. Numeric water quality criteria are also listed in Tables 2-5 and 2-6 in the Draft EIS.

3. The water quality data listed on Table 1-3 and Table 2-4 in the Draft EIS should be compared to the EPA national numeric surface water quality criteria to more fully assess the potential water quality impacts. The EIS should provide the State stream segment identification number, identify the designated uses, and the numeric water quality criteria for the potentially affected water bodies. If fish surveys or chronic toxicity testing studies were conducted by the State or other Federal resource agencies it would be helpful if these results could also be included in the Final Statement.

85-4

The Rio Grande from Taos Junction Bridge upstream to the Colorado - New Mexico Line, and the Red River from its confluence with the Rio Grande upstream to a point 1.5 miles above the bridge at the Red River Fish Hatchery have been designated by the New Mexico Water Control Commission to be used as a cold water fishery, fish culture, livestock and wildlife watering, and secondary contact recreation. The Red River Hatchery upstream to its headwaters, including the tributaries thereto, have been designated by the Water Control Commission to be used as a domestic water supply, fish culture, high quality cold water fishery, irrigation, livestock and wildlife watering, and secondary contact recreation.

For a discussion on toxicity testing, please see Response to Comment 48-1. See also the studies referenced in Response to Comment Q-28.

Letter 85 Continued

Response to Letter 85 Continued

-3-

4. The Draft EIS on page 3-41 states that "the protection of surface water discharged by the project will be met as provisions of the National Pollutant Discharge and Elimination System (NPDES) permit." However, the Draft EIS did not fully address the potential water quality impacts associated with mine related activities and runoff. This is especially important since nearby sections of the Rio Grande and Red River are designated as wild and scenic rivers and are to receive the highest protection in accordance with the Wild and Scenic Rivers Act and EPA's Federal Water Quality Standards Regulations [40 CFR 131.12(a)(3)].

To more fully assure protection of these valuable resources we ask that the Final EIS identify the following:

- (a) The water quality impacts and instream degradation associated with tailings spillage and the preventive measures that will be used to avoid this impact.
- (b) The probability of a tailings pipeline break and/or leak and the measures used to minimize the potential such as pipeline siting, cathodic protection, liners, and maintenance and monitoring programs.
- (c) The best management practices which would be used to avoid sedimentation and runoff into nearby streams or rivers to prevent the loss of habitat for the aquatic community.

5. There appears to be some confusion in the alternative analysis provided in the Draft EIS. The EIS states that analysis is limited to the proposed action and no action alternative. However, the document further explains that MolyCorp conducted studies in 1974 to determine the most suitable location for additional tailings storage, and in 1980 conducted an engineering feasibility study to investigate eight sites in detail. To fully comply with the intent of the Council on Environmental Quality (CEQ) Regulations (Section 1502.14, Alternative Analysis) we recommend that the alternative section of the Final EIS include a summary of the prior work and BLM append to the Final EIS the MolyCorp Plans of Operation which contain the feasibility study and earlier reports providing alternative assessment analysis.

6. Page 3-10 of the Draft EIS discusses ground water impacts and states that concentrations of molybdenum, manganese, and lead will be "attenuated". The Final EIS should explain the mechanism by which this will occur.

7. Page 1-14 of the Draft EIS refers to an Ion Exchange Plant for removing molybdenum. The Statement would be strengthened if it could explain if other contaminants would be removed by this process.

85-5 See Response to Comment 63-2 regarding improvements to the existing pipeline. Appropriate design and maintenance measures will be included in the additional pipeline section to ensure that any potential for breaks or leaks would be minimized.

There would be no streamside construction associated with the proposed project. All construction will be according to approved methods and in compliance with the State Engineer and Corp of Engineer requirements.

85-6 See Section 1.4, Consideration of Alternatives, and Response to Comment 21-1.

85-7 Please refer to Responses to Comments 1-2, 27-2, 44-3, 53-2, and 63-5 for a discussion of molybdenum, manganese, and lead attenuation.

85-8 The function of the ion exchange facility is only to remove additional molybdenum; following this treatment, the water meets NPDES permit requirements and is discharged to the Red River.

- 85-9

8. The Draft EIS explains on page 2-4 that windblown tailings dust can settle in or adjacent to surface water in the project area. The Final EIS should identify if there are any adverse water quality impacts associated with this occurrence.
- 85-10

9. Page 2-29 of the Draft EIS explains that the proposed Molybdenum tailings site is excluded from the Taos Resource Management Recommendations for the Wild Rivers Recreation Special Management Area. It would be helpful if the Final EIS could explain how the exclusion was obtained for this area.
- 85-11

10. Page 3-6 of the Draft Statement states that no impacts to surface water resources should occur during construction of the tailings facility. It would strengthen the EIS if the Final Statement could briefly summarize how this conclusion was determined.
- 85-12

11. The Draft EIS on pages IX and 3-20 states that no exceedances of State and Federal water quality standards should occur. The Statement should clarify if this includes surface or ground water or both.
- 85-13

12. Page 3-27 of the Draft EIS states that the proposed action is consistent and compatible with both the Taos Resource Management Plan and the Wild Rivers Recreation Area Management Plan. It would be helpful if the Statement could briefly explain how the consistency determination was made.

GENERAL COMMENTS

- 85-14

1. Pages 1-17 and 1-18 of the Draft EIS list applicable statutes used in the preparation of the document. NEPA and the Clean Water Act are missing and should be included in the Final EIS.
- 85-15

2. Pages 2-8 and 3-20 of the Draft Statement state that a Dames and Moore modeling study was used to assess tailings pond seepage and concluded that no significant impact would occur to either surface or ground water resources. It would be helpful if the study or a summary could be included in the Final EIS.

We classify your Draft EIS as EC-2 (Environmental Concerns-Insufficient Information). Specifically, we have identified environmental concerns with regard to air and water quality impacts and have requested additional information.

Our classification will be published in the Federal Register according to our responsibility to inform the public of our views on proposed Federal actions, under Section 309 of the Clean Air Act.

- 85-9

Table 3-3 on page 3-7 of the Draft EIS lists predicted air quality impacts of the proposed tailings facility for the Wild Rivers Recreation Area. Even for the worst case (maximum), the TSP (24-hour) and the PM-10 (24-hour) values are comparable to background air quality. The mean annual values are in fact considerably below background air quality. The second worst day modeled (second maximum) indicates that all predicted values would be well below the background air quality. Impacts of the tailings dust on the quality of surface water in the area would therefore be negligible.
- 85-10

See Response to Comment 40-4.
- 85-11

The reasons for the conclusion that no impacts to surface water would occur during the construction of the tailings facility are briefly summarized on page 3-8 of the Draft EIS. In addition, there would be no streamside construction during the construction phase of the project.
- 85-12

There would be no predicted exceedances of any water quality standards.
- 85-13

Please refer to the Response to Comment Q-43.
- 85-14

See Revised Table 1-4 in Section 3.2.
- 85-15

Please refer to Responses to Comments 48-16 and 63-5 for additional discussion on modeling. Response to Comment 48-16 discusses the results of the Dames & Moore modeling study.

-5-

We appreciate the opportunity to review your Draft EIS. Please send our office five (5) copies of the Final EIS at the same time it is sent to the Office of Federal Activities, U.S. Environmental Protection Agency, Washington, D.C.

Sincerely yours,

Robert E. Layton Jr.
Robert E. Layton Jr., P.E.
Regional Administrator

NEW MEXICO NATURAL HISTORY INSTITUTE

A Nonprofit Corporation

John's College Campus

Santa Fe, New Mexico 87501

30 FEB 10 P 1.8 33 February 1989

Robert T. Dale
Bureau of Land Management
435 Montana NE
Albuquerque NM 87107

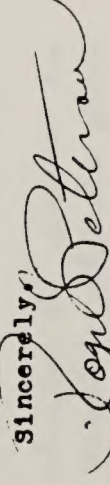
Comment on Molycorp
Guadalupe Mtn. EIS

Dear Mr. Dale:

That Molycorp's proposal for the Guadalupe Mountains causes degradation of the natural environment by its dust, its effects on groundwater, and its visual impact on the area's main long-term resource (recreation) is beyond question. The question is, is the degradation "unnecessary and undue" under the law? We think so, at least because the proposal is untimely. The company would have plenty of time to develop the site ten years hence when it will become more clear whether these tailings ponds are needed. Perhaps the proposal should be grandfathered in some way to protect Molycorp against any future change in the 1872 mining law. But the request for present development should be denied.

We do not oppose Molycorp's underground mining operation. We think that in a decade there will likely be alternate techniques and (more probably) there will likely be money--public or from environmental interests--that could swing the choice for tailings disposal to one of the several alternatives that is less environmentally damaging.

We lack hydrological know-how to ascertain whether the project is so threatening to the Rio Grande Wild River that degradation is "undue" even regardless of its timing. We do not find the EIS's "no predicted exceedances of water quality standards" to be well-supported or convincing.

Sincerely,

Roger S. Peterson
Secretary

Letter 86

Thank you for your letter.

Letter 87

Response to Letter 87

Kelbute Grubb
NSR 642, Questa, NM 87836
2/7/87

Robert Dale
% Bureau of Land Management
435 Montana St., N.E.
Tulsa, Oklahoma, NM

Dear Sir,

I am writing to register my opposition to the proposed Molybdenum tailings pond site in the Guadalupe Mts. I consider the proposed use of that site to be an undue and unnecessary degradation of the environment, as it would spoil, pollute, and defile the purity and natural beauty of this area. I feel that, although it might bring in money for the local economy in the short run, provided the mill did indeed reopen, in the long run the area would suffer from it, not only from the pollution, but from the loss of tourist dollars that would eventually result.

I am a resident of the Questa area, and I have a vested interest in seeing this area remain as pure and unspoiled as possible.

Sincerely,
Kelbute Grubb -

Letter 87

Thank you for your letter.

RECEIVED
BLM

Robert Dale
BLM office
435 Montana NE
Albuquerque N. Mex. 87107

39 FEB 10 P 1: 46 Feb. 7, 1989

010 ALBUQUERQUE, N.M.

Mr. Dale,

I am writing on behalf of the Proposed Buddehops Mountain Trailings Disposal Facility. It's a fact that alot of people disagree about the proposed facility for environmental and health reasons, mostly newcomers into this area. But what about the locals and residents from Saso county area who were brought up around Tumbw, Cerro and Saso area have to leave their families and homes, some as far as Columbia, South America to seek better job opportunities in order to make a decent living for themselves. When in this area we have natural resources that can be developed and provide jobs for the local people.

I as a concerned Perimeter have seen there Newcomers come into our area and are able to get Food Stamps and qualify for any federal program available, while our locals and residents from the Cerro, Tumbw and Saso area are refused food stamps or any other programs available because they own their home or car.

Now that Saso County has a chance to become an opportunity place again, we have negative attitudes from people who have already gotten their fair share to live a good life, and I am speaking about the people who have retired or who were rejected, just don't care about the young generation. What I can't understand is why some of these newcomers and along with a few local residents are so against the proposed facility. Don't they understand that it would benefit them as well as Saso County economy.

Letter 88

Thank you for your letter.

Letter 88 Continued

Response to Letter 88 Continued

Some of our ancestors worked in this mine (underground) since it first started, lived to be 90 years of age, healthy, and never complained about the dust.

These newcomers who have lived here less than 3 years, come into our communities and try to keep Laar County from expanding our economy.

I hope that BLM will take into consideration what I have written and give Moly Corp the permits, which in the long run will benefit the people of Laar County.

Virginia Achuleta
Cerro, N. Mex. 87519

United States Department of Agriculture Forest Service Southwestern Region 517 Gold Avenue SW. Albuquerque, NM 87102-0084



RECEIVED FEB 10 P 1: 59 FEB 08 1989 Reply To: 2800

Mr. Robert T. Dale
Bureau of Land Management
Albuquerque District Office
435 Montana N.E.
Albuquerque, NM 87107

Dear Mr. Dale:

We have reviewed the DEIS - MolyCorp Guadalupe Mountain Tailings Disposal Facility. The DEIS is comprehensive and well-researched. We have no other comments.

Letter 89 Thank you for your letter.

Eric H. Gold
RICHARD M. PEDERSON
Director of Lands and Minerals

cc: WO (D. Ketchum)



Letter 90

Response to Letter 90

State of New Mexico
ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT
Santa Fe, New Mexico 87503

22 FEB 10 P 1:55

February 8, 1989

GARREY CARRUTHERS
GOVERNOR

Mr. Robert T. Dale
Bureau of Land Management
Albuquerque District Office
435 Montano N.E.
Albuquerque, New Mexico 87107

U10 ALBUQUERQUE, N.M.
TOM BAHR
CABINET SECRETARY
ANITA LOCKWOOD
DEPUTY SECRETARY

Subject: Draft Environmental Impact Statement (DEIS) on the
Molybdenum Mountain Tailings Disposal Facility,
BLM-NM-ES-89-003-4130, December 1988

Dear Mr. Dale:

In response to your request for comments on the above-referenced document, I respectfully submit the following on behalf of the N.M. Energy, Minerals and Natural Resources Department (EMNRD).

GENERAL COMMENTS

To begin, it is important to acknowledge the significant contribution Molybdenum has made in past years to the economic well-being of northern New Mexico, particularly Taos County. Indeed, the facility employed almost 900 workers with an annual payroll of \$26 million to \$30 million as recently as the mid-1980s; it also generated considerable revenues to the State and to local governments. Because of the company's substantial capital investment at Questa (i.e., over \$250 million in developing a new underground mine and renovating the concentrating mill), it is likely the Molybdenum operation will again provide the State and its citizens such socio-economic benefits when the molybdenum market recovers sufficiently to justify the restart of production.

At recent public hearings on this DEIS, Molybdenum officials noted that additional tailings disposal capacity would be required approximately 8-10 years after production resumes (emphasis added). Because the DEIS is not clear on this point, we recommend the Final Environmental Impact Statement (FEIS) clearly state that the new tailings site may not be utilized for a number of years. Given the substantial costs Molybdenum will incur in re-opening its production facilities at Questa, the EMNRD nevertheless appreciates and supports the company's desire to address regulatory requirements early in the planning process.

90-1

See Response to Comment 2-2.

90-1

VILLAGRA BUILDING 408 Calabazas
Office of the Deputy Secretary
627 5940
Planning Division
P.O. Box 2167
Albuquerque, N.M. 87107
MARQUEZ BUILDING 525 Camino de los Marquez
Office of the Deputy Secretary
627 5940
Administration Services
627 5925
Energy Conservation & Management
627 5900
Mining and Minerals
627 5900
LAND OFFICE BUILDING 310 Old Santa Fe Trail
Oil Conservation Division
P.O. Box 2088 627 5800
CAMPUS STATION Socorro, New Mexico 87801
State Mining Division
P.O. Box 1147
Socorro, New Mexico 87801

In addition to aforementioned issues, the EMNRD has several concerns about the reclamation of those 1,230 acres of public land where Molycorp proposes to construct and operate its tailings disposal facility. First and foremost is the enforceability of a BLM-approved Plan of Operations after such date as a patent might issue for the millsite claims. In a memorandum dated September 15, 1986, U.S. Department of the Interior Field Solicitor Gayle E. Manges concludes the BLM may have no enforcement authority over an approved Plan of Operations once the millsite claims are patented. (DEIS, Appendix A, Enclosure 3)

90-2

The above-referenced memorandum also concludes the BLM may not be able to attach covenants or other similar mechanisms to a patent to ensure impact mitigation and reclamation of the proposed site. In light of the preceding information, it is incumbent upon the BLM to explore every available option by which to guarantee ultimate reclamation of those federal lands targeted for tailings disposal if and when the Molycorp claims are patented. The EMNRD therefore recommends the FEIS evaluate alternatives for financial surety so that the need for tailings site reclamation will be addressed. A suitable form of guaranty should be established.

90-3

Finally, the EMNRD raises the issue of how the proposed operation may impact recreation in the area surrounding the tailings site. In particular, we are concerned that without careful planning, the construction and operation of the Guadalupe Mountain facility may adversely affect the quality of the experience provided to recreationists utilizing adjacent lands in and around the Rio Grande. As you are well aware, much of the land in proximity to the site is in federal ownership, with a considerable portion included in the national Wild and Scenic River System. Because the economy of Taos County has been (and will likely continue to be) based in large part on tourism, the area's recreational resources are economically significant. It is therefore important that these resources be adequately protected.

SPECIFIC COMMENTS

90-4

p. 1-12, 3rd paragraph: Pursuant to the New Mexico Statutes Annotated, 1978, Section 69-26-1 through 69-26-3, Molycorp must register its proposed operation with the EMNRD's Mining and Minerals Division prior to the initiation of construction.

90-5

p. 1-13, Table 1-2: The average selenium content of the tailings listed in this table (4.7 ppm) is extremely high and will therefore require special consideration during the reclamation phase. Accumulator species such as saltbush, wheatgrass, and alkali sacaton can concentrate selenium in quantities that are toxic to livestock. Unless the tailings can be neutralized or adequately capped to prevent such uptake and concentration, the reclaimed land will not be suitable for the intended post-mining land use of grazing.

90-6

p. 1-15, Table 1-3: This table should list the same elements as shown in Table 1-2. It would be most useful to know the discharge quality for such parameters as arsenic, lead, selenium, total dissolved solids, and sulfates.

90-2 Under present BLM regulations no special provisions are allowed after patent. Establishing conditions on a patent is possible only where provided by law. No special provisions are provided for in this case. See also Response to Comment 39-1.

90-3

The principal effect on tourist enjoyment would be visual, which is identified as significant in Section 3.10 of the Draft EIS. See also the Response to Comment 51-7.

90-4

Molycorp intends to register its proposed operation prior to construction.

90-5

See Responses to Comments 20-2, 20-3, 39-1, and Section 1.5.

90-6

Table 1-3 (Section 3.2) has been revised to include analyses for an expanded set of water quality parameters that includes arsenic, lead, and total suspended solids.

Letter 90 Continued

Response to Letter 90 Continued

p. 1-18, 3rd paragraph: Non-coal mine waste regulations under Subtitle D of the Resource Conservation and Recovery Act (RCRA), as amended, are currently being formulated in consultation with the states, including New Mexico. It is possible that primary enforcement authority for these regulations may ultimately be delegated to the ENRD's Mining and Minerals Division (MMD); therefore, Molycorp is encouraged to consult and coordinate with MMD on a periodic basis regarding future tailings reclamation proposals.

90-7

90-7 Molycorp will coordinate with the Mining and Minerals Division on a periodic basis.

p. 3-15, 1st paragraph: It is unclear why salvageable topsoil would not be stripped and stockpiled. An explanation is warranted. In addition, no reference is made as to the location of the borrow area. Detailed information on soil type and availability (quantity) should be provided in the FEIS.

90-8

90-8 Topsoil would not be salvaged and stockpiled at the proposed tailings pond area in order to utilize this material as a barrier to seepage when the tailings pond is in use. Engineering studies have explored this issue and concluded that in situ soil is better used as a natural liner than as salvageable topsoil. In addition, Molycorp has other suitable locations from which salvageable topsoil can be obtained. See also Responses to Comments 39-1 and 68-1.

p. 3-23 and -24: This discussion of toxic vegetation is misinformed. While it is true that vegetation containing greater than 5 ppm selenium will cause poisoning in sheep and poor performance -- even losses -- in cattle, the proposed mitigation of burial by one (1) foot of non-toxic material may be inadequate. Rooting depth research of Atriplex canescens (fourwing saltbush) at BHP/Utah's Navajo Mine in northwestern New Mexico has demonstrated the ability of this plant to accumulate toxic levels of selenium from two (2) meters below the surface. Fourwing saltbush and other selenium accumulator species are indigenous to the Guadalupe Mountain area and can be expected to eventually invade the tailings area. Because these species are palatable to livestock and will likely be toxic, the ENRD recommends a more thorough assessment in the FEIS of alternatives to effectively mitigate or eliminate the possibility of selenium uptake and concentration.

90-9

90-9 See Responses to Comments 20-2, 20-3, 39-1, and Section 1.5.

p. 3-42, 3rd paragraph: This paragraph states the "ELM will require a performance bond to ensure compliance with reclamation and other mitigation measures." It is unclear how the amount of the bond will be determined; therefore, a discussion of the methodology the ELM proposes to use should be provided to interested parties as soon as possible but prior to publication of the FEIS. In addition, because Molycorp will likely move to patent its millsite claims, the ENRD reiterates the need for the ELM to evaluate in the FEIS alternatives to ensure final site reclamation (e.g., continued applicability of the requisite performance bond after issuance of a patent).

90-10

90-10 See Responses to Comments 39-1, 40-5, 60-3, and 90-2.

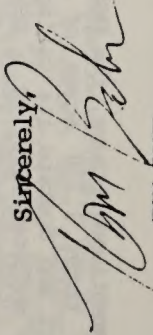
p. 4-2, Section 4-2: The ENRD is omitted from this listing of interested State agencies, but should be included on future such lists.

90-11

90-11 See revisions to page 4-2 of the Draft EIS text (Section 3.1 of the Final EIS) for addition of ENRD.

Thank you for your consideration of these comments and recommendations.

Sincerely,



TOM BAHR
Secretary

Letter 91

Response to Letter 91

February 7, 1989

Robert Dale
Bureau of Land Management
435 Montaña NE
Albuquerque, NM 87107

Dear Mr. Dale:

I want to express my strong concerns over the proposed Guadalupe Mountain Tailings Pond, north of Questa. The tailings disposal systems of the mine so far have 1) polluted the Red River until it can no longer support live fish, 2) polluted other acequias, and 3) caused irritation and health problems to people down wind from the uncontrolled dust.

What safeguards are there for the future? Who will enforce these safeguards and how? What is being done to bring past tailings within legal standards for air and water quality?

It is difficult to imagine that better care will be taken in the future when we have the facts of the past and present. Nonetheless, when will the current water and air quality be brought within legal standards for a clean and healthy environment?

The Environmental Impact Statement did not find the ground water study favorable. Why are you continuing to consider this tailings pond?

What long term studies will be conducted on the effects of toxic elements on humans, animals, and plants?

Under the 1372 mining law being used in this case, applications for private use of public land for mining purposes are not valid unless the mine is operating and providing income. The mine has been closed for over 2 years because the price of molybdenum was too low for profit, and it is even lower at this time. How can this request for a tailings pond be considered?

Thank you for your response to these questions.

Sincerely,

Mary Louise Stone

Mary Louise Stone
645 North Star Rt.
Questa, NM 87556

RECEIVED
CLM

30 FEB 10 P3:12

010 ALBUQUERQUE, N.M.

91-1 The Draft EIS stated that "no significant short or long-term impacts to water resources are anticipated" (page 3-46). It also stated that "available data and detailed impact analysis indicate that water quality of the groundwater and local surface water would not be significantly affected" (page 3-46). See also Responses to Comments 1-2 and 48-16.

The agency to enforce safeguards is the New Mexico Environmental Improvement Division.

91-2 See Responses to Comments 20-2, 20-3, 39-1, and Section 1.5.

91-3 Refer to Response to Comment 67-1.

Robert T. Dale
Bureau of Land Management
Albuquerque District Office
435 Montano, NE
Albuquerque, NM 87107
February 11, 1989
33 FEB 15 P 2:03

Dear Sir, 010 ALBUQUERQUE, N.M.

My name is Mary Witkop. I have lived in Pilar, New Mexico for 13 years. I was Mejor Doma of the Pilar Community Ditch Assoc. for 5 years. I am well aware of the concerns of my community toward water and air quality, and also towards employment.

I have witnessed many spills from the molybdenum tailings ponds that have rushed down the Rio Grande through Pilar. I know that it kills the fish when this occurs. The way the water looks is a disgrace. There is a species of eel called the Rio Grande Eel, that I believe is now extinct, as the river has been interfered with enough that they can no longer exist.

I also am a 5th generation Coloradan. Climax, Colorado is a wonderful example of the best of benefits from a molybdenum mine! How many people live in Climax now? Who would want to?

I question the motives of UnoCal in their desire to open the mine. I also question their tactics. Their lawyer, here in Taos to represent UnoCal, seemed to fan hostilities between unemployed miners and concerned citizens. I believe it is wrong to cause that much destruction to a beautiful area. I believe it in my heart, and I was glad when the mine closed. Maybe UnoCal would like to hire 250 people from here to clean up the mess that is already there.

I am opposed to mining in general in our beautiful mountains. There is an old Spanish saying, that translates,
"Don't shit where you eat"

Go Well Stay Well

Mary Witkop
Pilar Rt. 5-A
Taos, NM 87571

Letter 92 Thank you for your letter.

Letter 93

Response to Letter 93

Robert T. Dale
Bureau of Land Management
Albuquerque District Office
435 Montano, NE
Albuquerque, NM 87107

February 10, 1989

03 FEB 15 P 2:03

010 ALBUQUERQUE, N.M.

Dear Sir,

I am a 19 year resident of Taos County. I own a home which I built myself on 25 acres above Arroyo Seco in the El Salto area. My two daughters are Taos High graduates, being totally educated in the public schools here. I work as an adobe builder, making much less money than the chosen few of my neighbors who have worked for Moly Corp.

Of the areas I used to love to hike and fish, the wild area of the Red River was perhaps the best. Now that the water has become a sickening reflective metallic blue, if you are fortunate enough to catch a recently stocked trout, you'd have to be crazy to eat it.

The Rio Grande system is still alive, unlike many of the major river systems in the U.S., now biologically dead. Twenty years ago this was a concern of the environmental movement; now it is the concern of the scientific establishment, as reflected by recent issues of National Geographic and Time. In light of this, the Mining Act of 1872 is outdated and obsolete, and must be altered along with other dinosaur thinking, toward future survival.

The molybdenum mining has already impacted the mountains, waters,

Letter 93

Thank you for your letter.

Letter 93 Continued

Response to Letter 93 Continued

and residents dramatically. It is time for a moratorium on any future activity. We need to allow nature to try and heal herself, to assure a high quality of life, which is dependent upon clean air and water, for the ongoing generations here. It is time to curtail the Earth Rape, and hope that the natural balance of the Wild River may be restored.

I am opposed not only to the proposed Guadalupe Mountain Tailings Disposal site, but also to the reopening of the molybdenum mine on any level.

Thank you for your consideration.

Sincerely,

David Hopper

David Hopper
P.O. Box 114
Arroyo Seco, NM 87514
(505) 776 8732

Letter 94

Response to Letter 94

SANTA FE
Administration Office
P.O. Box 5175
805 Early Street
Santa Fe, New Mexico 87502
(505) 982-2504

ESPAÑOLA
Onate Building
Los Alamos Highway
Española, New Mexico 87532
(505) 753-7361



33 FEB 15 P 1: 55

NORTHERN NEW MEXICO LEGAL SERVICES, INC.

Kit Carson & Montoya Street
P.O. Box 948 Albuquerque, N.M.
Taos, New Mexico 87571
(505) 758-2218

GALLUP
309 So. Third Street
P.O. Box 1475
Gallup, New Mexico 87301
(505) 722-4417

LAS VEGAS
214 Grand Avenue
P.O. Box 1454
Las Vegas, New Mexico 87701
(505) 425-3514

SANTA FE
P.O. Box 5175
805 Early Street
Santa Fe, New Mexico 87502
(505) 982-9886

February 14, 1989

Mr. Robert T. Dale
Bureau of Land Management
Albuquerque District Office
435 Montana N.E.
Albuquerque, New Mexico 87107

Re: Moly Corp-Guadalupe Mountain Tailings
Disposal Facility Draft EIS

Dear Mr. Dale:

The Draft EIS referred to above states: "The proposed Moly Corp. tailings site is adjacent to and nearly surrounded by the wild rivers recreation area, special management area (SMA), as recommended by the BLM in the proposed Taos Resource Management Plan (RMP)(October, 1987). The recommendation in the RMP specifically excludes the proposed Moly Corp tailings site from the SMA as shown in figure 2-6." This appears at 2-29 of the EIS.

On behalf of my clients, the Concerned Citizens of Questa, I would request that your office furnish for us the citation in the Resource Management Plan published in October, 1988 by the Bureau of Land Management, which does, in fact, exclude the proposed tailings site from SMA or ACEC supervision.

Your cooperation and prompt reply, would be greatly appreciated.

Sincerely,

Lorenza M. Campbell
Lorenza Campbell
Attorney at Law

LC/jm

cc: Roberto Vigil

94-1 In describing the Wild Rivers Recreation Area Special Management Area, the Taos Resource Management Plan (RMP) (October 1987), Appendix B (page B-6) second column, paragraph 3 states "The new boundary adds BLM lands west of the Rio Grande into the Recreation Area and excludes the proposed Molycorp tailings site on the eastern boundary..." See also Map B-2 in the RMP.



The Legislature
of the
State of New Mexico

39th Legislature, 1st Session

LAWS 1989

CHAPTER

SENATE MEMORIAL 5

Introduced by

SENATOR CARLOS R. CISNEROS



A MEMORIAL

ENCOURAGING THE BUREAU OF LAND MANAGEMENT TO PROCEED EXPEDITIOUSLY
AND IN FULL COMPLIANCE WITH FEDERAL AND STATE LAWS IN ITS REVIEW OF
THE PROPOSED MOLYCORP GUADALUPE MOUNTAIN TAILINGS DISPOSAL FACILITY.

WHEREAS, Molycorp has operated as a molybdenum mining and mil-
ling company near Questa since the 1920's including the expansion of
open pit operations in 1964; and

WHEREAS, the construction of a larger mill created a need for a
sizable tailings disposal site for the expanded operations; and

WHEREAS, a total of 250 million tons of millings storage is re-
quired to ensure continuous production from the Questa mining opera-
tion; and

WHEREAS, Molycorp has proposed a new tailings disposal facility
project to accommodate these tailings and the bureau of land manage-
ment has prepared a comprehensive draft environmental impact state-
ment for the proposed Guadalupe mountain tailings disposal facility;
and

WHEREAS, public hearings have been held on the environmental im-
pact statement and many constructive comments have been received from
Industry and the community about the proposed project;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NEW
MEXICO that the bureau of land management be applauded for its work
to date on the proposed tailings facility and that it be encouraged
to continue with its efforts to provide the community and the company

Letter 95 Thank you for your letter.

Letter 95 Continued

Response to Letter 95 Continued

with a tailings disposal facility that is environmentally safe; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the state office of the bureau of land management and to the president of MolyCorp.

SM 5
Page 2

February 3, 1989

Robert T. Dale
BLM
435 Montono N.E.
Albuquerque, N.M. 87107

Dear Mr. Dale:

We the signatories of the attached petition hereby present this written statement as an addendum and clarification as to why we are no longer residents of Taos County.

We are displaced citizens of Taos County who are currently employed outside of New Mexico due to the closing of the Molycorp Questa Mine in 1986.

We would like to return to our homes and families if we could obtain employment in Taos County; however, we realize that because of the seriously depressed area economy, our hope of the mine opening and our subsequent return home is dismal unless the Guadalupe Project is approved.

We join all those in favor for approval of the Guadalupe Tailings Dam Project.

Attachment: Petition for the endorsement of Molycorp's proposed Guadalupe Tailings Project

Letter 96

Thank you for your letter.

P E T I T I O N

FOR THE ENDORSEMENT OF MOLYCORP'S PROPOSED GUADALUPE TAILINGS PROJECT

WE, THE UNDERSIGNED CITIZENS OF TAOS (COUNTY), NEW MEXICO, FULLY DORSE MOLYCORP'S EFFORTS TO ACQUIRE THE NECESSARY PUBLIC DOMAIN FOR THE ESTABLISHMENT OF A TAILINGS DAM WITHIN THE GUADALUPE MOUNTAIN, WEST OF QUESTA, NEW MEXICO.

WE BELIEVE THAT MOLYCORP HAS ACTED RESPONSIBLY IN ENSURING THE PROTECTION OF THE ENVIRONMENT AND THAT THE ECONOMIC ADVANTAGES OF RESUMING MINING OPERATIONS, FAR OUTWEIGH THE MINIMAL ENVIRONMENTAL IMPACTS WHICH WILL BE CREATED BY THIS PROJECT.

THE BLM, EID, THE GOVERNOR OF NEW MEXICO, AND ANY OTHER AGENCIES ASSOCIATED WITH THIS PROJECT, SHOULD BE ENCOURAGED TO PROVIDE PROMPT APPROVAL OF THIS PROJECT.

This petition contained
2,872 signatures.



TAOS COUNTY TREASURER

P.O. DRAWER 2
TAOS, NEW MEXICO 87571
TELEPHONE NO. 768-8838

Taos County Treasurer
Manuelita C Mondragon

Chief Deputy
Aurora Montoya

Mr. Robert T. Dale
Bureau of Land Management
435 Montano, N.W.
Albuquerque, NM 87107

Dear Mr. Dale:

The Environmental Impact Statement for the proposed Guadalupe Mountain Tailings Project indicates that the environment will be only minimally affected by the proposed Molycorp, Inc. tailings dam.

In view of this information, I, as Taos County Treasurer and elected official, fully endorse Molycorp's efforts to acquire the necessary public domain for the establishment of a tailings dam within the Guadalupe Mountain. I strongly support Molycorp's efforts to build the tailings dam, resume their operations and again provide jobs which are so badly needed in this area.

Molycorp has demonstrated that they do care about the environment and the communities which will be affected. I encourage the Bureau of Land Management, EID, the Governor of New Mexico and any other agencies associated with this project to provide prompt approval of the Molycorp project.

Sincerely,

Manuelita C. Mondragon
Manuelita C. Mondragon

Letter 97 Thank you for your letter.



Taos County Clerk

P.O. Box 676
Taos, New Mexico 87571
Telephone No. 758-8836

Joella Coca De Vargas
Taos County Clerk

Orlando J.M. Sanisterian
Chief Deputy Clerk

Katie Lujan
Bureau of Elections

Bonnie Rodriguez
Computer Specialist and
Probate Clerk

Joanna Vigil
Lodger's Tax Secretary

Mary Jean Gonzales
Micro-Film Technician

Laura Fernandez
Recording Clerk

Carmella Gallegos
Clerk Stenographer

January 20, 1988

Mr. Robert T. Dale
Bureau of Land Management
435 Montano, N.W.
Albuquerque, NM 87107

Dear Mr. Dale:

The Environmental Impact Statement for the proposed Guadalupe Mountain Tailing Project indicates that the environment will be only minimally affected by the proposed Molycorp, Inc. tailings dam.

In view of this information, I, as Taos County Clerk and elected official, fully endorse Molycorp's efforts to acquire the necessary public domain for the establishment of a tailings dam within the Guadalupe Mountain. I strongly support Molycorp's efforts to build the tailings dam, resume their operations and again provide jobs which are so badly needed in this area.

Molycorp has demonstrated that they do care about the environment and the communities which will be affected. I encourage the Bureau of Land Management, EID, the Governor of New Mexico and any other agencies associated with this project to provide prompt approval of the Molycorp project.

Sincerely,

Joella Coca
Joella Coca
Taos County Clerk

Letter 98 Thank you for your letter.

Letter 99

Response to Letter 99

TAOS COUNTY ASSESSOR

P. O. Box 946
TAOS, NEW MEXICO 87571
ASSESSOR 758-8607
RE-ASSESSMENT 758-2279

MARGIE V. ABEYTA
ASSESSOR

JULIA V. GONZALES
DEPUTY
GERALD NICHOLS
REVALUATION DIRECTOR

Jan. 18, 1989

Mr. Robert T. Dale
Bureau of Land Management
435 Montano, NW
Albuquerque, NM 87107

Dear Mr. Dale:

The Environmental Impact Statement for the proposed Guadalupe Mountain Tailings Project indicates that the environment will be only minimally affected by the proposed Molycorp, Inc. tailings dam.

In view of this information, I, as Taos County Assessor and elected official, fully endorse Molycorp's efforts to acquire the necessary public domain for the establishment of a tailings dam within the Guadalupe Mountain. I strongly support Molycorp's efforts to build the tailings dam, resume their operations and again provide jobs which are so badly needed in this area.

Molycorp has demonstrated that they do care about the environment and the communities which will be affected. I encourage the Bureau of Land Management, EID, the Governor of New Mexico and any other agencies associated with this project to provide prompt approval of the Molycorp project.

Sincerely,

Margie V. Abeyta

Margie V. Abeyta
Taos County Assessor

Letter 99

Thank you for your letter.

Letter 100

Thank you for your letter.

Hi, Robert Dale,
 2-12-89
 I'm going to be very direct. First of all, you may think it "polite" to reply to my letter. But, see the energy, time, paper & postage, all paid by the people spent somewhere else in a wiser manner. I was aware of extension period via the newspaper.

Secondly, enclosed are 143 names of a petition circulated at Amigos Coop & Lido Market in Taos, July 1988 - Sept. 1988. Two months. If I hadn't gone back to school in Santa Fe and could keep the petition going, I'm certain there'd be many more names.

An opinion survey being conducted for the Creation of a Petroglyph National Monument in Albuquerque - why not submit an opinion survey in Taos County regarding re-open -

- ① to re-open and use only existing tailings ponds
- ② to never re-open the mine
- ③ to re-survey for a different location (since Guadalupe Mtn. site was decided around 13 yrs. ago)

Guadalupe Mtn. site was decided around 13 yrs. ago) Guadalupe Mtn. is a Boom-Bust economy.

④ to use Guadalupe Mtn. is a Boom-Bust economy. Thirdly, mining is a Boom-Bust economy. Sustainable Native Agriculture & production of open-pollinated organic food crops is a sound & economically idea, is pre-historically & historically the primary industry of Taos Valley. Piece of the land corridor

WE WANT TO SEE NATIVE CROPS GROWN IN TAOS COUNTY (SUCH AS ARE
BEING GROWN AT SNAC IN ARROYO HONDO) INSTEAD OF AN AIRPORT IN
QUESTA, AND RE-OPENING OF THE MOLYCORP MINE. WE BELIEVE MOLY
MINE IS NOT IN THE BEST INTEREST OF HEALTHY HUMANS AND WILDLIFE
WE BELIEVE GROWING NATIVE CROPS WOULD BE VERY ECONOMICALLY
SATISFYING, AND WOULD PRESERVE SPANISH AND NATIVE INDIAN
AGRI-CULTURE.

This petition contained
142 signatures.

Letter 101

Response to Letter 101



February 14, 1989

Robert T. Dale
Bureau of Land Management,
Albuquerque District Office,
435 Montano NE,
Albuquerque, New Mexico 87107

Dear Manager Dale:

I wish to comment on the Draft Environmental Impact Statement for the MolyCorp Guadalupe Mountain Tailings Disposal Facility. If you believe it would be helpful, you may send a copy of this letter to the Taos News for printing.

Letter 101

Thank you for your letter.

The Environmental Impact Statement reinforced my belief that the Guadalupe Mountain site is the best area to place tailings from MolyCorp. Loss of a small and poorly productive wildlife habitat and the visibility of the dams, particularly the one on the West side, appear to me to be the only valid long term detrimental effects of the facility. The current disposal ponds have never been satisfactory, and there will be less pollution, particularly dust, by placing the tailings in the Guadalupe Mountain saddle.

Much of the criticism of the Guadalupe Mountain site is based on fears of toxicity that has been disproven and dust pollution that has been and will continue to be worse if the current ponds are used. If MolyCorp is to reopen the proposed new site will cause the fewest problems. Aesthetically, the MolyCorp has been a disaster to the area, but the worst damage has been done.

Sincerely:
Walton Hawk

RECEIVED
DLW

39 FEB 17 P 1: 57

January 19, 1989, A.M.

Robert Dale
Bureau of Land Management
435 Montano Road N.E.
Albuquerque, NM 87107

Dear Sir:

I am writing this letter on behalf of my family and myself, regarding the request made by Moly Corporation, Inc., Questa, New Mexico. Moly Corporation is seeking approval from the B.L.M. to construct a tailings disposal pond at the Guadalupe Mountain site.

I am a former employee of Moly Corporation and feel, that management has proven their sincerity, in working with all agents and the community of Questa, in their efforts to protect the environment.

During the time I was employed by Moly Corporation, I was in charge of operations and maintenance of the tailings disposal system along with other duties. Management was always looking for ways and methods to improve the system. Instrumentation was set up to monitor the flows on all tailings lines. These instruments were in the Mill Control room, if for any reason there was disruption in the flow on any particular line, an alarm would alert the operator. He in turn would contact the tailing line Patrolman, who was in constant touch by radio 24 hours a day. The Patrolman would investigate and report findings. If a leak in the line occurred, the crew on shift would take the necessary steps to correct it, if help was needed, they took action. Men, equipment, or whatever was needed to protect the river, properties or whatever. Moly Corporation was always willing to repair, to clean up any damage that may have occurred. Water samples were taken from Red River on the day shift. Samples were taken above the plant and various points down to the Red River Fish Hatchery, this was done every day the Mill was in operation. Rubber lined pipe was installed from the Mill Tailings Pump Room, to a point past the ranger station. The rubber lined pipe proved out very well, it eliminated leaks in those areas.

A computer maintenance system was implemented. This program gave operations and maintenance all the information on the tailing history. The date every joint of pipe was installed, when it required inspection, pipe rotation, or

Letter 102

Thank you for your letter.

change out. This included every single joint of pipe in the tailings line, from the Mill to the dam.

Dust control, was an on-going project at the tailings dam sites, the areas were kept wet by moving our discharge points. Those areas that were dry were sprayed with safe proven surfactant, these were monitored and resprayed, as often as needed.

Our holding ponds, served as a refuge for hundreds of ducks and other water fowl during the migration periods, in the spring and fall. It is a fact that we never found any dead birds, which proved the quality of water was good even before it was purified, at the Ion Exchange Plant, built by Moly Corporation, another project taken to cooperate with all the regulations.

I feel Moly Corporation will continue to meet all E.I.D. Standards, and provide the area with much needed employment if allowed to build a tailing disposal plant at the Guadalupe Mountain Site, upon re-opening of the mine operation at Questa, New Mexico.

I therefore request that you grant Moly Corporation, Inc., the request for a tailing disposal dam site in the Guadalupe Mountains.

Thank you!

Elias R. Chavez
Elias R. Chavez
Retired-Moly Corp. Employee
P.O. Box 24
Taos, NM 87571

FEB 13, 1989

Mr. Robert T. Dine
Bureau of Land Management
435 Montana, N.E.
Albuquerque, N.M. 87107

20 FEB 21 P 1: 21

U.S. DEPARTMENT OF THE INTERIOR

DEAR MR. DINE:

THE ENVIRONMENTAL IMPACT STATEMENT THAT WAS DONE FOR THE GUADALUPE TAILINGS PROJECT IS AN EXHAUSTIVE AND DETAILED EVALUATION OF THE ENVIRONMENTAL CONCERN OF THE PROPOSED NEW TAILINGS SITE. PLEASE KEEP IN MIND DURING YOUR REVIEW OF THE BLM HEARING COMMENTS THAT MOYCORP HAS PURSUED THIS PROJECT FOR SEVERAL YEARS AND HAS EXPENDED SIGNIFICANT RESOURCES BOTH IN TIME AND MONEY JUST TO GET THE PROJECT TO THIS STAGE. THEY HAVE WORKED IN CONJUNCTION WITH A DOZEN DIFFERENT STATE AND FEDERAL AGENCIES IN THE OPERATION OF THE CURRENT TAILINGS DAM AND HAVE TO MEET MANY SPECIFIC REQUIREMENTS AS PART OF THEIR NPDES PERMIT.

Letter 103

Thank you for your letter.

Letter 103 Continued

Response to Letter 103 Continued

THE NEW TAILINES SITE IS QUITE
REMOVED FROM THE TOWN OF GUAYAMA,
WILL NOT AFFECT HUMAN HEALTH, AND
WILL HAVE A MINIMAL IMPACT ON THE
ENVIRONMENT. AND FOR THESE REASONS
I WOULD LIKE TO ADD MY SUPPORT
TO THE PETITIONS SIGNED BY MORE THAN
2000 PEOPLE OF TAOUS COUNTY IN FAVOR
OF PROCEEDING WITH THE GUADALUPE
MOUNTAIN TAILINES PROJECT.

SINCERELY,

W. S. DEWINE

27936 San Cristobal
Rancho Pinos Verdes, Chihuahua
90274

Feb. 17, 1989

Mr Robert T. Dale
Bureau of Land Management
Attn. Dist Office 435

Dear Sir,

I am writing to you to let
you know my feelings towards
the dumping of the molybdenum tailings

I have lived in the small
community of Cerro, where we will
be affected the most. I know
the molybdenum people have been
promising a lot, but seems to
me I have heard that before

and nothing has come beyond talk,
just not too long ago the BLM
sponsored a festival in the junction
or thereabouts, people from all

over came to admire the scenery
if the molybdenum comes in disturbing
such beauty, do you think people
will come back to admire this
beautiful mountain?

People here are not allowed
to cut standing dry wood because
the birds will not have a

Letter 104

Thank you for your letter.

Letter 104 Continued

Response to Letter 104 Continued

place to build their nests, to the contrary moly will not bring in axes or chain saws ~~rather~~ bulldozers, and dynamite to build the dump.

I have been to the Camp sites and have drank that good old cold water and unpolluted, if the dump is made that water will no longer be pure, and good to drink. How about the animal habitat where will they go.

we urge you to hear our complaints and protect our environment.

According to molyCorp they have are for 40 yrs. yes, then what they leave and leave us here with an ugly mountain and the fear of living in a polluted environment.

Hoping you will think
of your neighbors in the valley
Yours truly
Serapim Jaramilla
P.O. Box 95

Cerro, N.M. 87519
010 ALBUQUERQUE, N.M.

03 FEB 21 P 2: 05

09FEB21 P2:06

February 16, 1989

010 ALBUQUERQUE, NM

Robert Dale
BLM Office
435 Montana, NE
Albuquerque, NM 87107

Mr. Dale:

On page 2-4 of the EIS, the paragraph on Air Quality, it states that Wheeler Peak Wilderness located some ten (10) miles to the southeast is the closest Class I area to the proposed dump site. That Mr. Dale, is incorrect.

According to a BLM and a US Forest Service map that I have it is within five (5) miles from the proposed dump site at Guadalupe Mountain to the border of Latir Wilderness, a Class I area. Why was this fact left out of the EIS? Is it because the wild life in Latir Wilderness (e.g., the Bald Eagle) with it's proximity to Guadalupe Mountain would be impacted? Or is it because Latir Wilderness, like the Environmental Assessment, document # 018-81-47, dated July 1, 1981 is being ignored?

105-1

105-1

The statement by the commenter that the Latir Wilderness is a Class I area is incorrect. Not all Wilderness areas are Class I PSD areas. Currently, only those areas larger than 5,000 acres (as of August 7, 1977) are designated Class I. The closest Class I area is the Wheeler Peak Wilderness, which would not be affected by the proposed project.

On page 3-21 of the EIS, it states that Waterfowl and Shorebirds may occasionally use the tailings pond during project construction. For their well-being, I hope not, they'd end up dead like the fish at Torquoise Lake.

It goes on to say that a variety of species have been recorded visiting the current MolyCorp tailings pond (NM Game & Fish 1983). Well, I'm glad they haven't been denied their visiting rights, I'm sure they won't stay long.

105-2

105-2

Occasional use of the existing tailings ponds and associated channels has not been shown to result in any acute toxicity problems to bird species. The Draft EIS makes no claim that the proposed facility would constitute valuable shorebird habitat but only notes that some birds may be attracted to the area on an occasional basis.

The photos of the proposed site (Fig. 3-4) tell me that more than half of Flag Mountain will not be visible after the dam. What degradation, what distraction, y que desmadre to such beautiful scenery. That same photo has a lot of white background, one can't tell how bad the dam would really look.

Letter 105 Continued

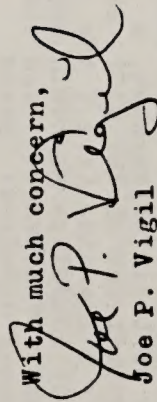
Response to Letter 105 Continued

Robert Dale

105-3 On page 2-33 of the EIS it states that most of the people who use the Guadalupe Mountain for recreation are from the local area (e.g., Questa) by Speegle 1988. Well, Speegle is lying too. Most of the people are from Cerro.

Mr. Dale, I could go on and on. To make a long story short, this comic book (Draft EIS) is very inaccurate and the humor was left out.

With much concern,


Joe P. Vigil
Cerro, NM

cc: Congressman Bill Richardson
Senator Carlos R. Cisneros

105-3 Cerro is considered part of the "local area".

Letter 106

Response to Letter 106

RECEIVED

CLM

2-17-89

39 FEB 21 P3:01

Bureau of Land Management
Mr. Robert T. Dale

We been hearing readings
about this famous Petroglyph. First
we all know its Man Pahrump
and nothing as old as this. I suppose not
if we have it - many of you will lose your
jobs - the mt - the park might as well close
the park - and you will lose mass of
all the respect of the people

We all know the only and only way
to stop this dust is ^{cap it with} soil
and where are they going to get the
soil ?? That Blue stuff they spray
with as soon as the we come again
see it like tumble weed and then
goes the dust again it only takes 1/8 of
an inch for that sand to dry and then
goes the dust again

Consider Petyan
Carro 11/1/88

106-1

During mining operations, simultaneous discharge points into the tailings pond would maximize the area that can be kept wet, thereby reducing fugitive dust. In addition, dry areas of the tailings impoundment would be periodically sprayed with a chemically inert stabilizer to form a crust and reduce fugitive dust emissions. As stated before, the tailings area would be reclaimed with a minimum of 1 foot of topsoil and successful revegetation is projected based on current reclamation plot studies. See Response to Comment 68-1 regarding sources of topsoil.

106-1

Letter 107

Response to Letter 107

RECEIVED

Box 1165
Taos, NM 87571

39 FEB 22 P 3: 37 Feb. 18, 1989

Mr. Robert T. Dale
BLM 010 Albuquerque, N.M.
435 Montano NE
Albuquerque, NM 87107

Dear Mr. Dale:

Since the comment period on the Moly Tailings Pond in Questa has been extended, I'd like to make this addendum to ~~xxx~~ my letter of Jan. 30 to you. I've included xeroxes of three recent articles in the Albuquerque paper, which I'm sure you have seen, but just in case you haven't I'd like them added to the record.

There's an article on a Chino mine waste-water bill prompting a suite; an article on how the BLM "has fumbled the environmental ball in California desert;" and an article about how Consultants' roles at the EPA are being challenged.

The first article on the waste water spill is merely reflective of such spills everywhere: a common enough occurrence. Just a reminder, though, that the Moly mine has had numerous tailings spills over the years and there's no reason to suspect that will change. Industry is always dangerous to environment. I'd submit here, though, that if things go wrong with the proposed tailings pond (should it ever be put into operation), changes for significant lawsuits are probably multiplied a great deal, given that not only the Red River, but now, also, the Arsenic Area and the Wild River Section are directly involved.

The BLM's record in the California desert is obviously no record that we, the citizens of Taos County, wish to have emulated here. The bottom line here is that I believe there is a significant population in the county, both indigenous and more recently arrived to the area like myself (20 years ago), who feel even that economically the county is better off to fight hard to preserve its renewable and more wild natural resources, instead of letting them be destroyed by short-term gains which may leave us completely bereft thirty years hence.

Finally, many people have mentioned to me that it seems a conflict of interest for the Moly mine to be paying for the consultants who are doing the EIS on the proposed tailings site. Hence the third article on evident conflict of interest taking place in many consultants' reports to the EPA. If the environment anywhere is to have a chance, this practice obviously must be ended so that some kind of truth and objectivity, regarding the real effects of development on environment, can take place.

I hope you will add these comments to my January 30, letter.

Thank you for your attention. Sincerely,

John Nichols
John Nichols

Letter 107 Thank you for your letter.

Letter 108

Response to Letter 108

2-19-89

Robert T. Dale
Bureau of Land Management
Albuquerque, District Office
435 Montano NE
Albuquerque, NM 87107

23 FEB 22 P 3: 36

Dear Mr. Dale:

010 ALBUQUERQUE, N.M.

Thank you for extending the period during which you will accept comment on the proposed MolyCorp Guadalupe Mountain Tailings Facility.

The license which MolyCorp is using to attempt to acquire this site is the 1872 Mining Law, a law which we all know is a complete anachronism, and an Environmental Impact Statement which represents itself as a responsible document on which we can base the futures of Taos County and our grandchildren. I understand that little can be done about the law, and I am thankful for the public hearing process as a means to mitigate the possible ill effects from its implementation. However, considering the importance of this decision, it seems prudent to also examine the EIS, a document which I find to be superficial and inadequate.

It is not reassuring to learn that MolyCorp, even though not in operation, was in such a hurry for the study that it paid for it instead of waiting for the BLM to acquire funding through regular channels. Although it is accepted practice to trust to the integrity of the agent hired to do the job, it also follows that an agency which was found to be antagonistic to those hiring a study would soon be unable to get a contract.

Perhaps it is indicative of the fallacy of this relationship that the study uses conciliatory language throughout. For example, it is an outright insult to the intelligence of readers of the document when it refers to blowing dust as "fugitive dust emissions", and the harsh shock of a straight-line, rock-faced dam in the natural beauty of the Guadalupe as a "visual contrast". And, as if this were not enough, the document estimates the seepage into the Arsenic Spring complex in the abstraction of cubic feet per second rather than gallons which everyone can understand. Whether intentional or not, this kind of language falls in the most fundamental way to communicate that which is being considered to the readers whom it is supposed to serve.

The hydrologist on whom we are expected to rely, and who speaks only in cfs, tells us that the initial rate of seepage from the tailings site into the Arsenic Springs complex is calculated to be as much as .98 cfs, but that this would have "no significant impact". Since I am not a hydrologist, I have to accept this conclusion. But that is 633,312 gallons of chemical and metal contaminated water a day "seeping" into the aquifer. But I guess I should be reassured because he says that the contaminants will be "attenuated". If he is wrong, how many decades will it take for the Rio Grande as we know it to purge itself of one hydrologist's error?

108-1

108-1

The use of cfs is standard terminology for water flow volume as practiced by the U.S. Geological Survey (USGS) and other federal or state agencies. The USGS has the largest water resources staff of any U.S. agency.

The use of the 0.98 cfs (page 3-10 in the Draft EIS) seepage rate does not relate that flow volume to discharge into Big Arsenic Springs. The leachate that would seep from the proposed tailings pond does not enter the groundwater system at the same concentration of constituents that seeps from the pond. See Response to Comments 1-2, 27-2, 44-3, 53-2, and 63-5 for additional discussion on this issue.

The Big Arsenic Springs Complex receives an average discharge of 18 cfs (11.6 million gallons per day). All the water resources studies conducted to date on this project indicate that the probable seepage volume from the proposed tailings pond would have no adverse impact to either the quantity of flow or the water quality of the Arsenic Springs Complex.

The study offers further reassurance that there is no health hazard in the blowing dust. Perhaps there is no physical health hazard; again I must rely on the expert. But what about mental health? Most of us have seen dust blow from the present site many times and it doesn't take much imagination to visualize that ugly dust plume coming from the top rather than the bottom of the Guadalupe. What about the sense of sadness and compromise that we will all feel on windy days when our "dirty laundry", so to speak, is the dominant feature of the landscape? What would this unsightly aberration say to those using the Wild and Scenic River?

108-2

See Response to Comment T-4.

108-2

The "socioeconomics" section of this report tells me about the population of Taos County, its sources of income, unemployment in the county, gross receipts in the county, and how the mill levy had to be increased in the Questa school district to compensate for the shrinking tax base.

Almost as an after thought, it even took a sidelong glance at the number of houses for sale and the average price of a single-family home. Interestingly, however, this section of the statement ventured not even a guess as to whether the number or the value of homes for sale was up or down from previous years, nor did it draw a single conclusion based upon the data.

Although I'm not qualified to question other aspects of the report, I do have some expertise in certain aspects of the field of socioeconomics, specifically real estate valuation, and I can tell you that this part of the document is entirely superficial and inadequate. If I were to attempt to write a report based upon a similar approach, I would be in great risk of a law suit.

A case in point is the fact that the study does not mention the negative effects of the mine closure on the housing market. That decline, should the preparer have taken the time to study it, can be documented at the rate of about 8% per year since February of 1986. This decline, incidentally, is only applicable to the type of housing most popular with mine employees.

Furthermore, this part of the study totally ignores the real pain and devastation which is caused when an economy becomes too dependent upon the vicissitudes of the mine industry. This in spite of the fact that numerous examples could be found within the state. The economic woes of Grants, Farmington and Raton would provide some excellent points of departure.

This section of the statement did not address the agony of families who had to relocate without being able to sell their homes. Must I assume that the brutality of dealing with relocation companies which have no interest in the welfare of the displaced families is not a social or economic matter; or that the excruciating pain endured by those who lost their homes completely should not be a social or economic consideration?

108-3

108-3

A retrospective analysis of the economic cycles of Molycorp mine was not considered germane to the study of effects of the proposed tailings disposal facility. Consequently, the extensive analysis proposed in this comment is beyond the scope of the EIS.

108-3

Cont.

If asked, I could have contributed vital information about the housing industry in Taos County. I know because I make my living each day dealing with the realities of residential valuation in the area. I know because I appraise these homes which are lost to the banks and relocation companies, and I often have the unpleasant job of telling these people that they have lost their life savings. In fact, I have recently appraised the homes of two BLM employees whose futures have been seriously compromised because of the devaluation of their homes.

Since I do know something about the social and economic implications of the coming and going of MolyCorp and find the "socioeconomic" section of the report to be totally lacking in depth and expertise, is there any reason to believe that other sections of the study are not equally as shallow and poorly done?

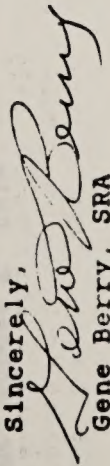
The ultimate irony of this matter is that the expansion and long-term operation of the mine is not unquestionably a good thing. Unfortunately, we know exactly what will happen over the years that the mine is in operation. We know because we have just been through both the boom and the bust cycles. We can look to places like Grants, Raton and Farmington and know of a certainty that it will never be better. All we need to do is look at the fate of mining towns throughout the west; for almost without exception every "ghost" town was a mining town.

If MolyCorp truly has the long-term best interests of Taos County at heart, let it prove its intent by an innovative long-range plan which makes maximum use of the existing tailing site, including a reclamation bond for its proper closure; let it set up a reserve account which would set aside funds during times of maximum profit so as to be able to continue to operate the mine during times of little or no profit; let it consider a proposal for employing half as many for twice as long.

If MolyCorp truly cares, it will explore the numerous alternatives to its present plan of action in good faith. It will not seek to force the BLM to comply with the letter of a law which could never be passed in our present society, and it would not ask Taos County to risk its future for short-term gain.

I realize that the Bureau is limited in its authority in this situation but please consider this matter very carefully. Please take into account the possibility that the proposed Guadalupe Tailings Facility may be too great a risk with very little possibility of real improvement of the human condition.

Sincerely,



Gene Berry, SRA

Letter 109

Response to Letter 109

Mr. Robert T. Dale
Bureau of Land Management
435 Montano NE
Albuquerque, NM 87107

20 January, 1989

Dear Mr. Dale:

93FEB24 P1:24

I am writing to you today about the proposed Guadalupe Mountain tailings disposal project as a concerned citizen of both Taos County and the United States. I am also an employee of Molycorp.

This tailings disposal area is vital to the long life of one of the largest and highest grade molybdenum deposits in the free world because the present tailings facilities have only a few years of active life remaining. Without adequate tailings storage this established mining complex will be obliged to shut down even though it will have many years of ore remaining in the ground.

The present tailings area is a problem primarily because of the proximity to Questa townsite and the dust from the fine sand which is occasionally blown toward the town by westerly winds. Chemically, the tailing sand is nearly inert and is far less hazardous to human health than the blowing dust in Taos but dust is still a nuisance. Fine sandy tailings stored in the Guadalupe Mountain site would be one to two miles farther away from habitation and would pose an almost negligible hazard and nuisance to the people of Questa. Chemically, molybdenum deposits are much cleaner than most gold or copper deposits and so it is not reasonable to directly compare the different deposits even though many uninformed people indicate it is appropriate to do so. Incidentally, after washing, I have used the tailings sand in my young sons sand box because it is as good and clean as any other sand I could find in Taos County.

Dams built to contain the tailings will be visible to casual observers from both the east and west sides of Guadalupe Mountain. At first, the dams may appear unsightly to some, but with time and appropriate ecological consideration, which includes the planting and growth of grasses and woody plants such as Big Sage and Chamisa, the dams will shortly blend into the Guadalupe landscape. Unless they are experts, people viewing the dams from a distance will hardly suspect their presence.

I have worked on various aspects of the Guadalupe project during the last few years so I have a relatively informed view of the work that has been completed. I supervised some of the drilling designed to test the water flow at water table depth. In the middle of the proposed tailings area at the Guadalupe saddle, drilling shows the water table to be 800 feet deep. At the Questa public meeting I was surprised to hear hysterical public commentary stating the water table depth was only about 20 feet deep. As a geologist I know that the erosion rate at the top of the erosion areas in Red River Canyon as measured by the Soil and Conservation Service is approximately one quarter inch per year which is an extremely rapid geological rate. Public comment at the meeting indicated the future reclaimed surface of the present tailings disposal area would also erode at the same rapid rate

Letter 109

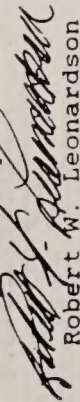
Thank you for your letter.

rendering the reclamation to be a debauchery of nature. This is patently not true because the erosion rate at the tailings area is only an infinitesimal fraction of the aforementioned rate. I believe the distorted public comments made by a relatively hysterical minority are a deliberate attempt to slander the mining community in northern New Mexico.

Mining, and working for the industry is as noble a calling as any other today. This is because raw materials, such as molybdenum, are produced which will ultimately be used to produce most of the hardware in every metallic appliance we use, the houses we live in and the cars we drive. There would not even be any electricity, hard surfaced roads or even adobe bricks were it not for mining of some kind. The industry is responsible for the civilized life we enjoy today even though many will deny the fact. I am proud to be a member of the mining community.

The Questa mine is, or can be, a significant impact employer in northern New Mexico which generally has a very high unemployment rate. Many millions of dollars are generated for the northern New Mexico economy by the mine during any year it is active. That fact has never been more sorely demonstrated than during the last two economically depressed years in Taos County. Without additional tailings storage many more depressed years lie ahead for northern New Mexico.

Respectfully submitted,



Robert W. Leonardson
P.O. Drawer XXX
Taos, NM 87571
(505) 758-0478

2-15-89

Robert J. Dale
Bureau, Grand report.

Dear Mr. Dale:

I guess I am pushing
involving T. J. Gueata, T.M. M.
Bureau, Grand report. The mail address
will be Cero, T.M. We are
planning to move there & get
away from the pollution of
the City. Was the EPA guarantee
that they are taking into the
landfilling area won't violate
our area of the Rio Grande? Why
must we continue to be killed by
my large corporation while they
slowly pollute and destroy our
earth mother? What protection
do we have, because you the EPA?

110-1

110-1

See Revised Table 1-4 in Section 3.2 of this Final EIS for a
list of agencies responsible for the regulatory permits required
for the proposed project, and Section 1.5 for a description of
the final mitigation measures and monitoring plans.

Letter 110 Continued

Response to Letter 110 Continued

' Right here in H Wayne Co. we have
were the EPA issued restrictions
for the invasion into the environment
by Grand National Antelope Unit
which is a river pilot. It was built
they had developed years from H Wayne
and now is the largest collection
of the environment in H Wayne -
Allen County. I want to get away
from pollution and have peace
Clean Mountain Dec. please
protect Great & Peace. D.M.
Charley
Connie D. Emerson
706 Riverside
H Wayne Co.
46805
Don't be making plans, D.M.

Robert Cole,

I am writing in concern with 33 FEB 27 P 2: 1.
 The B.T.M. ruling on the land for
 Moly Corp. Grants, N.M.

I'm a tax payer of Iron County
 my home is in Crows, N.M. I've
 lived in Grants area for over 25 years
 the last 19 years in Crows with my
 husband and family. We have raised
 family there. We have farmed land in
 Crows for many years including
 raising our own cattle & sheep to sale
 and eat.

I believe B.T.M. should give
 Moly Corp. the land they need I am
 in FAVOR of Moly Corp.

I believe there is no persons
 health hazard relating to Moly Corp.
 That is my main concern. The
 street guidelines with Tada state
 Moly Corp will be within the guide
 lines.

We have relocated to Silver City
 area, because of my husband got.

2/27/82

Letter 111

Thank you for your letter.

My husband worked for Moly Corp
for 17 1/2 years and I have to say
Moly Corp. made us a good living.
and also was good to the Quaker
area people.

I'm in the Lubon City area but
my heart and home is in Cress, N.H.

Grand County Chapter of the American Quaker
Assoc.

Very True.

Mary Giron

John L. Gaillour, Jr., Mayor
 Marcus J. Rael, Councilor
 Bobby R. Ortega, Councilor
 Jake A. Ortega, Councilor
 Steve A. Archuleta, Councilor



Mary Anne G. Romero, Judge
 Frank R. Cardenas, Administrator
 Cindy E. Martinez, Clerk/Fiscal Officer
 Gloria M. Martinez, Utilities Supervisor
 Valerie M. Trujillo, Receptionist

P.O. Box 260 • Questa, New Mexico 87556-0260 • (505) 586-0694

February 27, 1989

Mr. Robert T. Dale
 Bureau of Land Management
 Albuquerque District Office
 435 Montano NE
 Albuquerque, NM 87107

Dear Mr. Dale:

I am writing to inform you that the Governing Body of the Village of Questa by majority vote, endorsed the efforts of Molycorp, Inc., to acquire the necessary permits for use of the Guadalupe Mountains as a tailing disposal site.

We are requesting that you take our actions into consideration when your agency makes a final determination regarding the Guadalupe Mountains as a tailing site.

This decision was made at the governing body's February 8 special meeting.

Sincerely yours,

 John L. Gaillour, Jr.
 Mayor

JLG:vt

cc: David Shoemaker
 Molycorp, Inc.

FFB28 P1:52

Letter 112 Thank you for your letter.

Letter 113

Response to Letter 113



TAOS ENVIRONMENTAL ASSOCIATION

P.O. Box 15
Taos,
New Mexico 87571

113-1 P 1:54

28 February 1989

Mr. Robert T. Dale
Bureau of Land Management
Albuquerque District Office
435 Montano N.E.

Dear Mr. Dale:

We have reviewed the Draft EIS for the proposed MolyCorp -
Guadalupe Mountain Tailings Facility and offer these comments.

Perhaps the most critical issue in this project is the long term
effect of leaching of massive amounts of metals and toxins into the
aquifers of the Red River, the Rio Grande, the Questa community
wells and the Arsenic Springs complex. We are not convinced that
the water quality analyses done by Dames and Moore and ERT are
adequate. The conclusion of no significant impact is based
entirely upon assumptions and modeling of the geologic conditions.
The Draft EIS contains no discussion or validation of this
procedure. We regard this kind of documentation of methodology as
essential to this most important issue.

We draw your attention specifically to questions about water
quality analysis raised in a letter from Cynthia Ardito to David
Shoemaker, dated December 7, 1988, (copy enclosed) in which certain
questions are raised re: the Dames and Moore study. The next
version of the EIS should address these questions.

We also draw your attention to the comment letter from the Rio
Grande Chapter of the Sierra Club, dated February 9, 1989, in which
numerous questions regarding the adequacy of the hydrologic
analysis are raised. It is imperative that these thoughtful issues
be addressed, point by point, by the next EIS document.

With regard to air quality analysis, the data included in figure
2-1 are incomplete. It is essential to have a full year's wind
direction/velocity graph. Furthermore, since MolyCorp is proposing
to continue use of the existing tailings facility during
construction and use of the new facility, a projection of the
cumulative impacts of blowing dust is essential. You promised to
do this cumulative analysis in Appendix A, page 2 of the Scoping
Summary. You also promised a cumulative water quality analysis,
but the Draft EIS contains neither. Addressing the cumulative
effects of the facilities is absolutely essential, and the absence
of such analysis is a major deficiency in the document.

113-1 Please refer to Response to Comment 48-16 for a discussion of
issues raised in Ms. C. Ardito's letter to MolyCorp.

113-2 Your concern regarding adequacy of the air quality data is
addressed in Response to Comment 27-3. Cumulative effects are
addressed in Responses to Comments 29-4 and 48-5.

Letter 113 Continued

Response to Letter 113 Continued

113-3 Retrieval of topsoil from "applicant's off-site reserves" would lead to significant environmental disturbance in itself and should therefore be addressed in the DEIS, whether or not BLM thinks it pertinent to their oversight. The whole point to doing an EIS, in our opinion, is to attain an understanding of the widest latitude of environmental effects of a given action. Addressing this issue of topsoil is certainly as important as the primitive "socio-economic" analysis that is included in this DEIS.

113-4 The DEIS should contain a complete disclosure of the terms and conditions of performance bonding, including amount of bond, disposition of funds, authorized administrators of compliance provisions and the rights of state and public entities to challenge terms of the bonding contract.

113-5 The Appendix 2 Scoping Summary also promises an analysis of Molycorp's proposed reclamation plan. There is no such analysis in the DEIS.

113-6 The Appendix 2 promises analysis of impacts on existing domestic wells. There is no such analysis.

113-7 The Appendix 2 promises analysis of spill containment areas. There is no such analysis.

113-8 The Appendix 2 promises analysis of alternative seepage prevention techniques. There is no such analysis.

113-9 The Appendix 2 promises analysis of the definition of "unnecessary and undue degradation". Apart from a cursory mention of the FLPMA and the WSR, the DEIS is absolutely silent on this, the most fundamental issue of all. Your agency has the primary obligation to address the necessity of this project which will convert public-owned land into a waste dump. Given the widely acknowledged fact that Molycorp has at least ten years of remaining capacity in the existing tailings facility, the matter of the "necessity" to enter public lands for this purpose is of utmost importance.

113-10 The DEIS seems to imply, in chapter 1.2 "Purpose and Need", that Molycorp's posturing in the international molybdenum market is the basis upon which the necessity for this tailings facility is based. We do not accept the idea that the applicant has the authority to determine necessity, nor in any event do we place any credibility in Molycorp's projections of future market conditions for moly. We maintain that the BLM must determine the issue of whether a particular public lands degradation is due and necessary. We therefore expect the next DEIS to include complete discussion of the definition of "undue and unnecessary degradation" as the terms are used in the FLPMA, the WSR, the 3809 regulations, and all case law that bears on the issue.

A full discussion of this matter is warranted, furthermore, by the fact that pertinent regulatory requirements are noted at 1.5.

113-3 All areas to be disturbed, including topsoil borrow areas, would be fully reclaimed. See Response to Comment 79-5.

113-4 See Response to Comment 39-1.

113-5 See Responses to Comments 39-1 and 82-4.

113-6 Extensive hydrogeologic studies conducted as part of this project indicate there would be no exceedances of state groundwater quality standards (and therefore, existing wells) in the area as discussed in Section 3.3.2 of the Draft EIS. See also Responses to Comments 1-2, 27-2, and 48-16.

113-7 If a spill occurred along the proposed 3.5-mile extension of the tailings pipeline, no surface waters would be affected because of the distance of the pipeline from the Red River and other streams. In the unlikely event of a spill, Molycorp's emergency response procedures would be implemented. These procedures include stopping the spill at the source, initiating containment activities, reporting the spill, and cleaning up the spill site.

113-8 Seepage is discussed on pages 1-5 and 3-9 to 3-14 of the Draft EIS; see also Response to Comment 48-16.

113-9 See Section 1.4, Consideration of Alternatives, and Responses to Comments 2-2 and 21-1.

113-10 See Section 1.4, Consideration of Alternatives, and Response to Comment 21-1.

There it is stated that in the event a proposed action would result in unnecessary degradation, then denial of the permit is "non-discretionary."

Conflict with the Wild and Scenic Rivers Act of 1968 must also be addressed more thoroughly. This act prohibits approval of projects that would have adverse impacts on lands and waters protected under the act. The DEIS clearly defines a number of unavoidable, and unmitigable adverse impacts on the Wild Rivers Recreation Area.

113-11

113-11 Please refer to the Response to Comment 28-1. The Wild Rivers Recreation Area is a special management area. It is distinctly different from the designated Wild and Scenic River and does not enjoy the same legal protection.

113-12 See Section 1.4, Consideration of Alternatives, and Response to Comment 21-1.

Finally, we wish to state that the "Response to Public Concerns" section of the DEIS is nothing short of an insult to the community of citizens who care deeply about threats to our land and water. Every EIS prepared by federal agencies that the officers of our organization have ever reviewed has contained, as a minimum, a review of the alternatives to the proposed action. Not to do so in your DEIS is to avoid the most significant issues of this project and it is a direct abuse of the public's right to review federal actions. Our reading of the 3809 regulations does not support your contention that alternatives need not be addressed. We therefore expect a full analysis of alternative disposal sites, alternative disposal technologies, alternative seepage containment systems, spill containment systems and tailings dewatering techniques. And most importantly, we expect a full discussion of the alternatives to the very claim on public lands for a facility whose necessity, here and now, is not even addressed by the DEIS.

113-12

We conclude that the deficiencies in this DEIS are so great that another version of the Draft EIS is warranted, rather than the expected Final EIS. Otherwise, we suspect that BLM will be vulnerable to appeal on the adequacy and legality of its process.

Sincerely,

David Bates

David Bates, President

Cynthia Patterson

Cynthia Patterson, Coordinator

Susan McCarthy

Susan McCarthy, Coordinator

Letter 114

Response to Letter 114

3 MAR 3 P 1: 44
 JOEL CARP
 P.O. Box 2869
 Taos, N.M., 87571

Robert T. Dale
 BLM.
 RE: Moly Bap Tailings Pond

First of all: thank you for the time extension. My basic feeling of the whole EIS & the relationship of Moly Bap & the community is one of distrust. Unfortunately incidences of the past lead me to believe that they will control dust, recognize water problems if they do arise, and reclaim land only if forced to by law enforcement and/or economic incentives (ie: to recover a bond).

I am not against the mine being there. I recognize the need for molybdenum - quite a bit of the tools I use contain it. I am willing to pay the price for it to be mined in a manner that is as ecologically benevolent as possible. Therefore I believe if the new tailings pond is necessary (& should not be used until it is), air & water quality should be monitored & a bond posted to insure land reclamation.

Letter 114 Thank you for your letter.

Also I strongly object to the way Mobg Corp has leaned on the community by connecting the new tailings pond to reopening. If capacity remains and money is to be made - they will reopen. My major concern is now - if they go ahead with the tailings pond + it proves damaging to the environment a community - what?

Thank-you
JOEL CARP



UNITED STATES
DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
Ecological Services
Suite D, 3530 Pan American Highway, NE
Albuquerque, New Mexico 87107

March 1, 1989

Page 1 of 34

Memorandum

To: District Manager, Albuquerque District Office, Bureau of Land Management, Albuquerque, New Mexico

From: Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services, Albuquerque, New Mexico

Subject: Draft Environmental Impact Statement, MolyCorp Guadalupe Mountain Tailings Disposal Facility, December 1988
ER 88/92, (Bureau of Land Management)

We have carefully reviewed the subject statement and have a number of concerns about its structure and completeness. We feel that it is inadequate in its discussion of alternatives, lacks a wildlife mitigation and inadequately address wildlife contaminant issues. The National Environmental Policy Act of 1969, requires that all reasonable alternatives be presented and enough information be included in the draft Environmental Impact Statement (draft) so that a reviewer may evaluate the alternatives. This information is not found in the document or the "Plan of Operations" report referenced in the draft. Even though the Bureau of Land Management states they cannot assess impacts of other alternatives according to the 1872 General Mining Law we feel this document must satisfy the requirements of the 1969 Act.

115-1

The major fault with the draft is the omission of a wildlife mitigation plan. The analysis of impacts concludes that at least 825 acres of terrestrial wildlife habitat will be destroyed yet the general mitigation plan does not include measures to increase wildlife values which offset the wildlife losses.

115-2

Wildlife contact with the contaminants in the proposed tailings pond may cause wildlife mortality, however, this is not addressed in the draft. Expected wildlife use of the area and identification of toxic substances in the pond should be included. Our specific comments concerning the document follow:

115-3

Page 1-10, First Paragraph. This paragraph describes the construction of the dams and the drainage systems. In addition to lining the dam faces, we suggest that the bottom of the tailings pond be lined with an impervious layer to prevent leaching.

115-4

115-1 See Section 1.4, Consideration of Alternatives, and Response to Comment 21-1.

115-2 Table 1-4 of the Draft EIS states that consultation with the U.S. Fish and Wildlife Service to determine compliance with the Fish and Wildlife Coordination Act had been initiated but not yet finalized. Though some potential measures had been discussed at the time of the Draft EIS, none had been finalized so they were not available for publication. As noted in the footnote to Table 1-4, the outcome of that consultation has been used in determining mitigation measures presented in the Final EIS.

115-3 Please see Responses to Comments 105-2, 115-2, and Section 1.5.

115-4 See Response to Comment 63-6.

Letter 115 Continued

Response to Letter 115 Continued

2

115-5 Page 1-15, Table 1-3. This table describes water quality parameters of seepage from existing tailings ponds. Data should also be presented concerning water quality in the tailings pond because it may pose a risk to wildlife.

115-6 Page 1-16, Second Paragraph. The reclamation of the proposed Guadalupe Mountain tailing pond includes spreading topsoil one foot deep over the tailings. We are concerned that the uptake of minerals and water by the vegetation planted on the topsoil may contain inorganic compounds harmful to wildlife. Plants may also contain concentrated compounds that are lethal to wildlife. We are concerned that precipitation will cause leaching of harmful compounds to the Red River, Rio Grande and ground water. An impervious cap located on the surface of the tailing pond would prevent leaching and plant uptake of harmful materials.

115-7 Page 1-16, Third Paragraph. We question the argument that 43 CFR 3809 regulations prevent the Bureau of Land Management from analyzing alternatives. These same regulations include the following:

...All operations including casual use and operation under either a notice or a plan of operation shall be conducted to prevent unnecessary or undue degradation of the federal lands and shall comply with all pertinent federal and state laws...

115-8 We feel this language provide the linkage to the National Environmental Policy Act of 1969 which requires analysis of several alternatives.

115-9 Page 1-17, Regulatory Requirements. We suggest this section also include the National Environmental Policy Act in the summary of regulatory laws applicable to this project.

115-10 Page 1-19, Table 1-4, Major Permits and Authorizing Actions. The Fish and Wildlife Service is presently discussing the Fish and Wildlife Coordination Act requirements with the Bureau of Land Management.

115-11 Page 3-6, 3.3.1 Surface Water. The water quality in the proposed new tailing pond is not discussed and should be added here.

115-12 Page 3-6 to 3-14, Water Resources. Seepage from the tailings pond is discussed. We again suggest an impervious layer be applied to the pond bottom to prevent seepage.

115-13 Page 3-18, First Paragraph, Timber Removal. We suggest that some of the removed timber in the proposed pond area be used for wildlife purposes such as hawking posts for raptors, brush piles for small mammals or fish structure in streams.

115-14 Page 3-18, First Paragraph, Grazing. This paragraph states that grazing would be reduced for 30 years, however, on page 111 the tailings pond is designed for a 40 year life. This discrepancy should be addressed. Also, even though the pond is designed for a 40 year life, it is likely that it may exist much longer because of inactive years.

115-5 Revised Table 1-3 (in Section 3.2) presents water quality data for the water discharged to the Red River following ion exchange treatment; this water quality data is most representative of the water that would be present in the tailings pond. These data are based on water quality measurements taken as part of the existing NPDES permit requirements. See Response to Comment 105-2.

115-6 See Response to Comment 20-2 regarding uptake; see also Response to Comment 39-1 and Section 1.5.

No exceedances of state surface or groundwater quality standards are predicted to result from the proposed tailings facility. See also Responses to Comments 105-2 and 115-2.

115-7 See Section 1.4, Consideration of Alternatives, and Response to Comment 21-1.

115-8 See Revised Table 1-4 in Section 3.2.

115-9 See Response to Comment 115-5.

115-10 The native soils present at the site would provide a natural barrier to limit seepage. In addition the tailings themselves will be "self-sealing" to some extent. In addition, extensive hydrogeologic studies conducted as part of this project indicate that any seepage that does occur from the pond would not result in exceedances of state water quality standards.

115-11 Possible use of removed timber has been considered in formulating the final mitigation, see Section 1.5. Additional measures to utilize timber removed during project construction for wildlife purposes may enhance habitat for certain species.

115-12 The grazing reductions would continue beyond the life of the project until reclamation efforts successfully reestablish vegetation in the area to the point that grazing use can be made on a sustained yield basis. See Table 3-1 for text revision to page 3-18 of the Draft EIS.

Page 3-18, Second Paragraph. Reclamation is discussed but the possible impacts to fish and wildlife are not discussed. Data should be presented to make a determination if vegetation could pose a risk to wildlife or if leeching may potentially pose a hazard to fish and wildlife. If these data are not available, data collection should begin at the present tailings site. Information concerning wildlife use of reclaimed sites would also be useful in evaluating wildlife impacts.

115-13

Page 3-18, Third Paragraph. The draft states the construction and operation of the tailing facility would not impact endangered species. We feel the tailings pond could pose a threat to the peregrine falcon. Please see our comments on page 3-22.

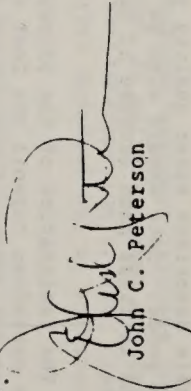
Page 3-20, Terrestrial Wildlife. This section discusses impacts to wildlife during operation of the tailings ponds. The discussion should include the possible impacts to wildlife by contact or ingestion of pond contaminants and impacts to raptors feeding on contaminated prey. Mortality caused by contaminants even though unintended, is in violation of the Migratory Bird Treaty Act. This Act provides a possible fine of up to \$10,000 per bird killed. The Bald and Golden Eagle Protection Act and the Endangered Species Act also contain provisions for enforcement of actions concerning bird mortalities.

115-14

Page 3-22, Peregrine Falcon. The new tailings pond could attract concentrations of migratory birds which may be highly contaminated with DDE a compound that has been documented as a cause of egg shell thinning. In addition, prey may be contaminated with other inorganic compounds found in the water in the tailings pond. Tailing ponds would be attractive for peregrine falcons because they create a large open space where prey are vulnerable to capture. To minimize the overall impacts to the peregrine falcon, we suggest reclamation of the existing pond begin so that at any one time there is no net increase in tailings pond acreage in the Questa area.

115-15

In summary, the major deficiencies of this Environmental Assessment include; lack of discussion of alternatives, lack of a wildlife mitigation plan and lack of discussion of contaminant impacts to wildlife. Questions concerning these comments, should be referred to Brian Hanson of my staff at (505) 883-7877 or FTS 474-7877.


John C. Peterson

cc: Director, New Mexico Department of Game and Fish, Santa Fe, New Mexico
Area Manager, Bureau of Land Management, Taos Resource Area, Taos, New Mexico
Regional Director, U.S. Fish and Wildlife Service, Fish and Wildlife Enhancement, Albuquerque, New Mexico

115-13 Please see Response to Comment 20-2 regarding potential uptake of toxic elements by plants and the possible foraging use by area wildlife species. See also Responses to Comments 20-3, 39-1, and Section 1.5 which address this concern.

On page 3-18 of the Draft EIS, the reference in the third paragraph to potential impacts from project construction and operation is regarding federal or state-listed plant species. Please see the following Responses to Comments 115-15 and 115-16 concerning potential impacts to the peregrine falcon.

115-14 Please see Responses to Comments 105-2 and 115-2.

115-15 The analysis presented in the Draft EIS was based on the evaluation provided by your agency under Section 7 of the Endangered Species Act (see Appendix C of the Draft EIS); it is considered unlikely that the project vicinity would be extensively utilized by resident peregrine falcons, due to the distance of the site from the known aerie and the area predominantly used by the peregrines for foraging. Occasional individuals may occur in the project vicinity; however, no frequent reports of birds in this area have been recorded. As stated in the Draft EIS, the possibility of on-site peregrine use may increase with additional waterbirds on the project site; however, it is unlikely that the concentrations of migratory individuals would be attracted to the proposed facility to the extent necessary to constitute a substantial prey base for peregrine falcons. Please bear in mind that assuming a 10-mile foraging radius from a nest site, the area of the proposed facility constitutes only about 0.004 percent of that nest site's foraging range. In addition, please note that page 3-22 of the Draft EIS discusses the concern of increased exposure of raptors to pesticide-contaminated prey species that may be attracted to the tailings facility. Additional information regarding this issue was commissioned by the BLM (Kennedy and Stahlecker 1986) and forwarded to your agency. Regarding the issue of reclaiming the existing tailings ponds prior to filling the pond at the proposed site, please see Responses to Comments 83-4 and 115-2, and final mitigation measures in Section 1.5 which limit the total ponded area.

12 MAR 6 12:51

March 3, 1969

U.S. DEPARTMENT OF THE INTERIOR

Robert Dale
BLM Office
435 Montana, NE
Albuquerque, NM 87107

Mr. Dale

This letter is to let the Bureau of Land Management know that I am against MolyCorp's waste dump proposal at Guadalupe Mountain.

As a resident of the community of Cerro, NM I very much oppose BLM's approval of MolyCorp's intentions to destroy Guadalupe Mountain. Not only the destruction of the mountain, I am also concerned for the fugitive dust that I have witnessed blowing from the present waste dump in Questa, the contamination of our water supply is also of major concern to me.

Sincerely

D. J. Murrell
Highway 378, P.O. Box 406
Cerro, N. Mex 87519.

I fished this area in the early thirties
My father returned to New Mexico in 1928
I am a product of New Mexico schools.
And remember when Red River and all the
hatches were unsalable fish can't live
in some of it now.

Letter 116 Thank you for your letter.

This letter also received from:

Virginia Jaramillo
Louise Ortega
Ronald P. Sitten

Letter 117

Response to Letter 117

MAR 7 1989

March 2, 1989

U.S. DEPARTMENT OF THE INTERIOR

Robert Dale
BLM Office
435 Montana, NE
Albuquerque, NM 87107

Mr. Dale

This letter is to let the Bureau of Land Management know that I am against MolyCorp's waste dump proposal at Guadalupe Mountain. As a member of "Los Hermanos de la Morada" in the community of Cerro, I very much oppose the destruction of beautiful Guadalupe Mountain. Which we, the Hermanos and our many followers use for our Religious Ceremonies.

If anything, Guadalupe Mountain should be given back to the rightful owners, the people of Cerro, not to MolyCorp who will not only destroy our beautiful mountain, but also destroy the many kinds of wildlife that live there.

Sincerely,
W. J. O. Dintan

This letter also received from:
Telefan Segura

117-1

As noted in Section 3.9 of the Draft EIS, most of Guadalupe Mountain would still be available for public access if the proposed project were implemented.

117-1

March 6, 1989

Attn.
 Robert T. Dale
 Bureau of Land Management
 Albuquerque District Office
 435 Montana N.E.
 Albuquerque, New Mexico 87107

Dear Sir,

I am writing in regard of two petitions that were circulated for and against the Guadalupe Railings Facility Project.

One of the petitions was circulated with in the area of the people concerned in our locality of Cerro. The most effected area. The other petition was circulated 40 and 50 miles away from the people facility. I feel the concern of those people that signed it was of the concern of our children and the family pool of our children.

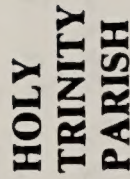
We would appreciate it very much if you would give it a thought and make a good Environmental Assessment and determine the result it will have some 20 to 40 yrs from now.

P.S. The petition signed by those other people around must be considered

Walter J. J. J.
 Serafin Aramides
 P.O. Box 95
 Cerro, NM. 87519

Letter 118 Thank you for your letter.

Response to Letter 119



Wid and

Dear Mr. Stegemeier:

CC:Mr. Robert Dale, B.L.M.

Letter 119 Thank you for your letter.

Thank you for your letter.

Robert T. Oake
BLM
attn: District Office
435 Montana, NE
97107

Dear BLM, MAR 7 P 1:55

Give me a break. A year ago you designate the Wild River Area east of Cerro, NM a scenic area. You invite thousands of people to the celebration. You take great care in not spoiling the river or the surrounding terrain. And now, one year later, you are considering turning the Guadalupe Mountain into a dump site. Doesn't this seem a bit odd to you. What earthly good is the Wild River area going to be with tailings just blowing all over it and seepage draining into the river. I mean, I may be naive, but there seems to be a conflict of interests here. The mining act of 1879 or whatever year it went into effect seems to me to be a bit obsolete.

I can imagine the influence the Moly Mine Corp. wields, but please, please consider the ecological havoc it wreaks.

I'm writing to you to establish my displeasure with the proposed dumping site in the Guadalupe Mountain.

Thankyou

Rick Collignon

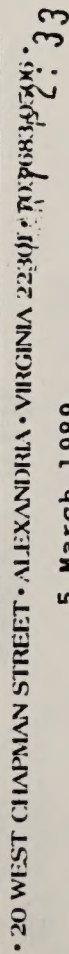
Box 213

Questa, N.M. 87556

Rick Collignon

Letter 120 Thank you for your letter.

Response to Letter 121



Robert T. Dale, District Manager
Albuquerque District Office, Bureau of Land Management
435 Montana N.E.
Albuquerque, New Mexico 87107

re: Draft Environmental Impact Statement, MolyCorp
Guadalupe Mountain Tailings Disposal Facility,
BLM-NM-ES-89-003-4130.

The Mineral Policy Center is a national non-profit organization dedicated to studying, educating about, and reducing the environmental impacts of mineral development. We are not opposed to sound mineral development projects, but we believe that minerals must be treated as simply one resource, to be weighed against other tangible and intangible values on the public lands, in a responsive, open, and public process.

Recommendation:

Simply adding alternatives to the final EIS, without circulating a new draft, will not comply with the re-

See Section 1.4, Consideration of Alternatives, and Response to Comment 21-1.

• **BOARD OF DIRECTORS.** •
 • **Stewart L. U'All, Chairman.** • **Philip M. Hocker.** • **Thomas L. Kimball.** • **J. Michael McCloskey.** • **Thomas A. Proyer.** •
 Secretary of the Board, Paul G. Haring, 1901 G. President, Stuart F. Seiden, 1901 G. Treasurer, Robert E. Carter, 1901 G. Secretary, Edward W. Hale, 1901 G. Secretary, Edward W. Hale, 1901 G.

MINERAL POLIO TREATMENT CENTER

• 20 WEST CHAPMAN STREET • ALEXANDRIA • VIRGINIA 22301 • 703-683-4546 •

Molycorp dEIS-5Mar89-2:

quirements of NEPA. The regulations of the Council on Environmental Quality require that "[i]f a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft..." (40 CFR §1502.9(a)).

121-1
Cont.

Requirement for Alternatives:

Mineral Policy Center believes that a complete presentation and discussion of alternatives is required in an acceptable dEIS for this project.

The Federal Land Policy and Management Act, at paragraph (b), Section 302, gives specific direction to the Secretary, and through him to BLM, to protect the public lands from "unnecessary and undue degradation."

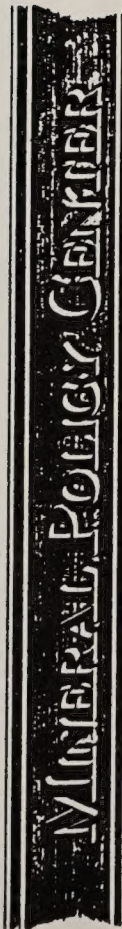
The next-to-last sentence of the paragraph exempts activities under the Mining Law of 1872 from the operation of most of FLPMA, but it specifically makes clear that the instruction to "prevent unnecessary and undue degradation" does apply to Mining Law operations:

"Except as provided in section 314, section 603, and subsection (f) of section 601 of this Act and in the last sentence of this paragraph, no provision of this section or any other section of this Act shall in any way amend the Mining Law of 1872 or impair the rights of any locators or claims under that Act, including, but not limited to, rights of ingress and egress. In managing the public lands the Secretary shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands." (end of paragraph) (emphasis added) (43 U.S.C. 1732 (b))

Congress's specific inclusion of Mining Law activities in the mandate to "prevent unnecessary and undue degradation" cannot be ignored by the Bureau of Land Management.

This charge requires that the Bureau consider what amount of degradation may be "necessary" or "due." That threshold determination must be weighed against the amount of degradation proposed by the mine operator.

[illegible]



• 20 WEST CHAPMAN STREET • ALEXANDRIA • VIRGINIA 22301 • 703-683-0506 •

Molycorp dEIS-5Mar89.3:

This process clearly requires the weighing of alternative plans to accomplish the proposed mining objective.

The dEIS acknowledges that alternatives to the proposed action do exist (dEIS p.1-16). However, the alternatives are abruptly dismissed as "unsuitable due to storage capacity, engineering feasibility, economic, or environmental limitations." (dEIS p.1-17).

BLM cannot legally dismiss the alternatives without weighing them. BLM cannot rely on an evaluation made in Molycorp's Plan of Operations; that evaluation is Molycorp's corporate judgement, but it is not made by Federal agents nor has the government overseen the process by which that evaluation was developed. Because the Molycorp evaluation was made by writers accountable only to Molycorp, the BLM cannot legitimately incorporate it into the dEIS by reference and then rely upon it.

The Mining and Minerals Policy Act of 1970 also calls for a complete study, which logically must include alternatives. Specifically, it calls for encouragement of "the study and development of methods for the disposal... of mineral waste products [e.g. tailings]... so as to lessen any adverse impact... upon the physical environment..." (30 U.S.C. § 21(a)).

The capsule description of the Mining and Mineral Policy Act of 1970 on p.1-17 of the dEIS is incomplete.

The range of alternatives studied should include both alternate locations, and alternate structural designs for the tailings dam. A modified structural design for the dam using more imported rock and soil would provide both improved stability and a greatly improved visual appearance. Qualified professional landscape architects should be included in the multi-disciplinary team preparing this part of the study.

Impacts:

We are particularly concerned about the long-term impacts this project would have on the scenic character of the area and the Rio Grande Wild and Scenic River. The air quality impacts are acknowledged to be potenti-

121-2

121-2

The Draft EIS identifies visual contrast as a significant adverse effect of the project, no exceedances of state groundwater quality standards are anticipated. Please see Responses to Comments 1-2 and 17-2.

• BOARD OF DIRECTORS •
 • Stewart L. Udall, Chairman • Philip M. Hocker • Thomas L. Kinball • J. Michael McKuskey • Thomas A. Trover •
 Secretary of the President, Mineral Industry President, Chairman, Vice President, Secretary, Treasurer, and Drysdale
 Director, 1981-82



• 20 WEST CHAPMAN STREET • ALEXANDRIA • VIRGINIA 22301 • 703-683-0506 •

Molycorp dEIS-5Mar89.4:

121-2
Cont.

ally significant in the dEIS. Impacts on groundwater quality may be serious - more serious than the dEIS admits.

Because operation of this mine has been intermittent in the past, BLM should require financial guarantees in the form of bonds to ensure that adequate funds are available to cover the full future costs of cleanup and closure, if the project is approved. This is particularly important because the air-pollution problem will require prompt remedial action in the event of a mine shutdown.

121-3 The bond would ensure timely compliance with all requirements and performance standards identified in the Plan of Operations. See Response to Comment 39-1.

121-3

Thank you for the opportunity to comment. Please send the Mineral Policy Center copies of all future re-leases, final statements, and decision notices regarding this proposal. Our mailing address will be: 1325 Massachusetts Avenue, N.W., Washington, D. C. 20005. Telephone 202-737-1872.

We appreciate the 30-day extension of the public comment period which was granted on this draft. Thank you.

Sincerely,

Philip M. Hocker,
President

Copies:

- David Bates, Taos Environmental Association
- Robert Dreher, Esq., Sierra Club L.D.F., Washington, D.C.
- Frances M. Green, Esq., L.A.W.Fund, Boulder, Co.
- John D. Leshy, Esq., University of Arizona
- Brian Shields, Taos, N.M.
- Rob Smith, Sierra Club, Phoenix

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- Stewart L. Uball, Chairman • Philip M. Hocker • Thomas L. Kinnell • J. Michael McCloskey • Thomas A. Troyer • Secretary of the • President, Mineral • Executive Director • National Wildlife Federation • Sierra Club • University, Capitol • and Director

MAR 7 P 2:13

February 6, 1989

Robert F. Dale
Bureau of Land Management
Albuquerque District Office
435 Montano, NE
Albuquerque, NM 87107

Dear Mr. Dale,

For the past 20 years, the unregulated/uncontrolled activities of the mining industry in our area have been devastating our air, water, and soil etc., etc... And the long term consequences have been grossly neglected. Because of this neglect by most of our elected officials, the Concerned Citizens Committee was formed to seek a fair solution as to our legal and moral rights in reference to our choice to exist in a healthy environment. The purpose of this letter is to submit our comments both lay and professional in reference to the draft EIS to be included and addressed in the final draft of the Guadalupe Mountain Tailing Facility.

1. Guadalupe Mountain, Area of Critical Environmental Concern (#018-81-47-1981). Enclosed, please find a petition from the people of Cerro, NM opposing the destruction of their beautiful Guadalupe Mountain. This mountain has served this community for generations in several traditional land uses. The Bureau (BLM) in recent years closed this site to these people who should be the rightful owners. Under a recommendation in the Rio Grande Management Framework Plan (MFP-R-5.5), completed in 1979, recommended ACEC designation for protection of the area until it could officially become included as part of the Rio Grande Wild River Recreation area. The MFP also recommended that wood cutting, mineral entry and development be prohibited along with other protective measures.

This action was proposed by authority of and in accordance with the Federal Land Policy and Management Act (FLPMA) of 19076, with regards to Areas of Critical Environmental Concern within public lands administered by BLM. This Act states that the designation of ACEC's shall be given "priority" in the "development and revision of land use plans."

This action concurred by the Taos Area Manager, should have been approved by the Albuquerque District Manager in 1981. In 1982, approximately a year later, BLM receives MolyCorp's plan of operation to dispose of tailing waste material at this same site and since then BLM has and continues to be highly criticized by state EID experts, environmental groups and citizens, both lay and professional as to how adverse impacts from the proposed tailings dump have been poorly evaluated. We contend that BLM has violated the public trust and we require an explanation and a

122-1

See Response to Comment 40-4.

122-1

legal interpretation.

2. Rio Grande Wild River Recreation Area

The Rio Grande was officially designated along with the recreation area as one of the eight rivers in the United States under the Wild and Scenic Rivers Act of 1968 (Public Law 90-542). BLM states that the Rio Grande Wild River Recreation Area is located directly adjacent to the south of Guadalupe Mountain. The area attracts a considerable amount of in-state and out of state visitors who vacation and travel in the northern New Mexico area. The Rio Grande Wild and Scenic River, which flows parallel with Guadalupe Mountain, also attracts many fishermen, hikers, and campers who fish the quality waters of the upper Rio Grande. This facility is expected to be visited by a projected 100,000 visitor day per year at the recreation area by 1990.

BLM appears to be in violation of its own recommendations and protective obligations to the preservation of the water and the area as a tourist facility under the Wild and Scenic Rivers Act.

A. BLM, conducts an Environmental Assessment for a Tailing Facility, 1983.

B. Concerned group's attorney on groundwater issues of the EA prepared by BLM for the proposed facility. (April 5, 1983) we have carefully reviewed the draft environmental assessment dated February 19, 1983 prepared by your office. We still remain greatly alarmed at the magnitude of the proposed project and the enormous risk it poses to the environment of Questa, especially the potential degradation of the Wild and Scenic segments of the Rio Grande and the Red River, specifically, the analysis of water quality effects is incomplete and superficial. The EA reports that quantitative data is unavailable to analyze the extent of characteristics of the project, including the extent of fracturing in the basalt, the relationship of springs to the groundwater table and the transmissivity of water through the basalt. The EA does not, by its own admission, contain a specific, detailed analysis of the impacts of seeping tailings water on groundwater. This is the most far reaching and potentially devastating impact of the entire project and BLM fails to evaluate it. This omission is fatal. The EA does not comply with the most basic requirement of NEPA.

In conclusion, we submit that the deficiencies of the EA show that the Guadalupe Mountain tailings facility needs to be studied more carefully and thoroughly. Such expanded research can only be accomplished in an EIS. We urge BLM, to re-examine its previous determination not to prepare an Environmental Impact Statement (EIS). BLM's Draft Environmental Impact Statement already discredits BLM's concern for the Wild and Scenic Rivers Act when it states that groundwater will not be adversely affected.

122-2

122-3

122-2

please refer to the Responses to Comments 28-1 and 113-11. The Wild Rivers Recreation Area overlaps the designated Wild and Scenic River for management purposes but is not included in the officially designated area boundaries.

122-3

The document under review is the Draft EIS not the EA. The EA document referred to was completed and distributed for review in 1985. On the basis of comments received on the EA the BLM decided to proceed with a more comprehensive analysis of the potential environmental impacts of the proposed project. The Draft EIS was distributed for public comment in December 1988. The Draft EIS, based on extensive groundwater studies, concluded that there would be no violations of either state groundwater or surface water quality standards in the area.

Please refer to Response to Comment 48-16 for a discussion of water quality impact analysis.

E.I.D. (GWB) to Molycorp (EIS)

"It is the Groundwater Bureau's (GWB) that recent field studies by Dames and Moore (April 19, 1988) have failed to provide conclusive data to support Molycorp's contention that groundwater quality will not be impacted as a result of tailings disposal activities of the Guadalupe Mountain."

The need and requirement for an EIS pursuant to NEPA is patently evident. The irreversible and irretrievable impacts on the Rio Grande, Red River and surrounding area must be of BLM responsibility as trustees of public lands, we intend to obtain full and exact compliance with NEPA on this project by appropriate court action if necessary.

Bear in mind that Molycorp's mining operations may be responsible for the contamination of the groundwater around the present tailing facility and the Red River.

Air Impacts

We submit that the EIS analysis of fugitive dust emissions from the proposed facility on local air quality is wholly inadequate. BLM refuses to analyze the present tailing air impacts which could provide a more accurate analysis for the proposed facility especially in reference to health effects with reference to inhalable silica. The E.I.D. Air Quality Bureau public comments on BLM final (EA) could very well apply to the Draft EIS. We are submitting the EID memo dated March 28, 1985 which contains 7 pages to be included which states:

"It is our professional opinion that the EA of the proposed tailings disposal facility for Molycorp Inc. is grossly inadequate concerning air quality for the purposes of making any final determinations that an EIS should not be undertaken. On the contrary, the EA's clear inadequacy on air quality alone militates for a full EIS process. BLM, demonstrably lacking any meaningful expertise on air quality impact issues, can only proceed reasonably if that agency defers to this agency's expertise in air quality matters. Since adequate control measures are not being taken or proposed, and since the modeling analysis that has been performed together with EID monitoring data indicate that state and federal standards will probably continue to be violated and will probably be violated over a large area, the plan of operations for the proposed facility cannot be approved under 43CFR, Part 3800, Section 3809.2 nor under many of the provisions of the National Environmental Policy Act and concomitant federal regulations. All aspects of the assessment indicate that further investigation and study are necessary prior to any approval, full, conditional or tentative, of the project.

Considering the potential health risks associated with the air quality impacts of the proposed facility and the potential magnitude of the impacts of the Rio Grande Recreation Area, a full Environmental Impact Statement should be developed. If the efforts necessary to develop a comprehensive EIS are not undertaken before approval of a plan of operations, and if

122-3

Cont.

122-4

Potential impacts to air quality are detailed on pages 3-1 through 3-7 of the Draft EIS. This analysis updates and revises the EA.

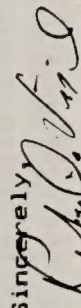
122-4

Molycorp continues to conceal potentially critical meteorological and monitoring data, this agency should carry out its statutory mandate to prevent or abate air pollution through appropriate federal court action."

In reference to inhalable silica which the children and citizens of this community and surrounding areas have been exposed for several years. BLM must be more sympathetic as to the long term health effects and the overall degradation of life in the area, especially since the present tailings facility in part used to be BLM public land.

In conclusion, we find the draft EIS to be wholly inadequate. The outdated 1872 mining law should not dictate BLM to act irresponsibly to a project of such magnitude to so many people. This issue can no longer be tolerated, the health of our children is at stake! The children and citizens should not be made victims of this uncontrolled mining operation because clean air, water, and land is a right and not a privilege. BLM is entrusted to safeguard the public trust, the EIS draft does not come close to meeting this standard.

We further urge you not to allow Molycorp to relocate its tailings at this site for health and environmental reasons.

Sincerely,

 Roberto Vigil

122-5 See Response to Comment 76-1 concerning health effects due to silica.

122-5

New Wave Rafting Co.

Rt. 5, Box 302A
Santa Fe, N.M. 87501
(505) 455-2633

3/7/89

Robert T. Dale

BLM

Albuquerque District Office

435 Montano NE, Albuquerque, NM 87107

MAR 8 P2:27

Dear Sir:

With regard to the proposed tailings pond near Questa: there is no documentation of need, no discussion of alternative sites, no discussion of alternatives within the proposed site; there will be significant impact to air quality and visual quality for visitors to the Rio Grande Wild and Scenic River. Although there is economic need in Questa which might or might not be addressed by granting a permit to MolyCorp (they might simply be holding Questa residents "hostage" to the granting of a permit), still, a resource of great value to the nation must not be degraded to alleviate a local problem. Presently the visitor to the RGW&SR beholds a landscape

almost completely devoid of human impact. Let's keep it that way
Sincerely Steve Miller, owner

See Section 1.4, Consideration of Alternatives, and Responses to Comments 2-2 and 21-1. The potential impacts to air quality and visual quality are described in the Draft EIS.

123-1

123-1

Copy

TAOS COUNTY LIMITED PURPOSE AGENCY
P.O. BOX 76
TAOS, NEW MEXICO 87571
TELEPHONE: (505)-(758-4227)

Board Chairman
Fernando Martinez

Executive Director
LeRoy T. Phillippi

March 6, 1989

Richard J. Stegmier
CEO Unocal 76
P.O. Box 7600
Los Angeles, California 90051

Dear Mr. Stegmier:

This letter will serve to inform you of my personal concern and also my support for the re-opening of the Moly Mine within Taos County.

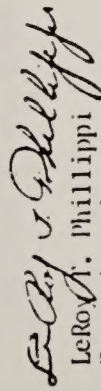
As the Executive Director of the Taos County-Limited Purpose Agency, Inc. a community action agency, I have seen the rise in requests for assistance from this agency from energy assistance to requests for food boxes, due in large part to the loss of the mine payroll which has affected jobs in most of the service industry, not just the loss of jobs to people actually employed at the mine.

It is my feeling that as long as Moly Mine complies with the environmental impact statement, the damage to the surrounding environment will be minimal if any. This will be offset by the increase in jobs, causing a drop in the poverty level which presently stands at 34% within the county. Taos County is one of the (10) poorest counties in New Mexico, unemployment is currently at 29.8%, as you can see Mr. Stegmier, the Moly Mine and its continued operation is of vital importance to Taos County and its neighbors.

This agency, being the chief advocate for the poor within Taos County, we anxiously await your decision on the re-opening of the mine.

Please feel free to call me or contact me if you desire further information.

Sincerely,


LeRoy T. Phillippi
Executive Director

LTP/vv

3/7/89

Dear Robert

My wife and I live north of
Quetta, and like most people
around here, we both strongly
oppose the proposed molybdenum
dump.

Money, power, and greed must
not be allowed to destroy this
valuable wild area by a few
selfish short sighted individuals,
that can't see beyond their
own immediate gratification.

Jobs at any cost does not
justify the rape of this area

I hope that my birds can
run around the Soudanese hills,
just as do, and that one
more letter can make a
difference.

Best Regards,

MR - MRS Summer

Letter 125

Thank you for your letter.

March 8, 1989

Cindy Ardito
Environmental Improvement Division
Ground Water Section
Room S-2050
Harold Runnels Building
Santa Fe, NM 87503

MAR 9 P 1:59

EID Albuquerque, N.M.

Dear Cindy

On August 31, 1988 I wrote a letter to you stating my opposition and my concerns over Molycorp's waste dump proposal in the Guadalupe Mountains. Thank you for the prompt response to my correspondence.

Cindy; today, after reading the Albuquerque Journal and yesterday's edition and hearing of the devastating contamination of the precious water supply in Espanola, I find myself in a sad state of mind, hoping and praying that people will open their eyes and conclude that our water supplies are in fact being threatened and endangered by seepage of polluting chemicals.

Cindy, again I must voice my concern that Molycorp's waste dump will in a few years contaminate our life-line (water supply) in the community of Cerro, and through seepage contaminate the lower part of the Rio Grande.

Now I ask that the EID deny Molycorp any permits required for the proposed dump at Guadalupe Mountain.

Thanks again mi hija, and please be sure this letter gets to your superiors.

Sincerely

Joe P. Vigil

Joe P. Vigil
PO Box 41
Cerro, NM 87519

cc: Congressman Bill Richardson
Robert Dale, Albuquerque BLM Office

Letter 126

Thank you for your letter.

Letter 127

Response to Letter 127

FEB 24 1989



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

Mr. Rodger Belmer
Statewide Manager
New Mexico Rural Electric Co-op
Association
614 Don Gaspar
Santa Fe, New Mexico 87501

Dear Mr. Belmer:

Thank you for bringing to my attention a resolution, passed at the New Mexico Rural Electric Co-op Association Board of Directors meeting on January 6, 1989, regarding MolyCorp and its mining operations in northern New Mexico. We are well aware of the importance of jobs in this area of the State and the role of the Guadalupe Mountain Mine in the Kit Carson Electric Cooperative.

It is my understanding that the Bureau of Land Management (BLM) has prepared an environmental impact statement on the MolyCorp proposed operation. In the process, written requests asked for a 60-day extension of the comment period. A 30-day extension was granted and MolyCorp has been so notified. I have passed your resolution on to the Director of BLM so that it will become part of the official decision record.

The Association's input on this matter is a valuable part of the decisionmaking process. I urge you and your colleagues to continue to be actively involved and hope that the issues can be resolved to everyone's satisfaction in the coming months.

Sincerely,

Manuel

Letter 127

Thank you for your letter.

cc: ES (8) (6217-MIB) LM (6628-MIB) CL (6246-MIB) SOL (6312-MIB) 150 (5558)
New Mexico State Director, BLM
500 (5647-MIB) 500-DAD (567-MIB) 500 r.f., (5647-MIB)
500:DSokoloski:11j:2-06-89:Cont. No. FS-8442:W-0369h (5647-MIB)

Letter 127 Continued

Response to Letter 127 Continued

Rodger Beimer
Statewide Manager
NMRECA

New Mexico Rural Electric Co-op Ass'n
614 Don Gasper Santa Fe 87501 505-982-4871

RESOLUTION

WHEREAS, Molycorp, Inc. has indicated a desire to re-open its mining operations in northern New Mexico; and

WHEREAS, Molycorp is a member of Kit Carson Electric Cooperative, and has indicated it will continue to be a member of and purchase electricity from the cooperative; and

WHEREAS, such purchases contribute to the economic well-being of Kit Carson, and contribute to the overall financial standing of the cooperative, employees, members of the cooperative and affiliated organizations; and

WHEREAS, by re-opening its operation Molycorp would again provide jobs and economic development to an area of northern New Mexico has been suffering economic stagnation since the cessation of operations;

THEREFORE, BE IT RESOLVED that the Board of Directors of the New Mexico Rural Electrification Cooperative Association, representing consumer-owned utilities from across the state go on record in support of the anticipated re-opening of Molycorp operations and strongly urge that the United States Bureau of Land Management grant the necessary permits at the earliest possible time subsequent to Molycorp's filing of documentation which outlines the company's intent to meet or exceed all environmental standards as established by applicable rules and regulations of the appropriate local, state and federal agencies.

BE IT FURTHER RESOLVED that the Board of Directors of NMRECA, by passing this resolution requests that a copy of same be made a part of the record of scheduled proceedings in Taos County, and that a copy of this resolution also be forwarded to Interior Secretary-Designate Manuel Lujan.

Adopted by the NMRECA Board of Directors in a regular meeting
January 6, 1989.



SIERRA CLUB
LEGAL DEFENSE FUND, INC., 56

Sumner, Mr. McKinley Ansel Adams 1531 P St., N.W., Suite 200 Washington, DC 20005 (202) 667-4500 FAX (202) 667-2356

WASHINGTON, DC OFFICE

Robert G. Dreher
Howard I. Fox
Dorwood J. Zaelke, Jr.
Staff Attorneys

Ronald J. Wilson
Of Counsel

Wendy S. Dinner
Sandra L. Goldberg
Elizabeth B. Ulmer
Law Associates

Becca Via-Hall
Office Manager

Other Offices

SAN FRANCISCO OFFICE

2044 Fillmore St.
San Francisco, CA 94115
(415) 567-6100

ROCKY MOUNTAIN OFFICE

1600 Broadway St.
Suite 1600
Denver, CO 80202
(303) 863-9898

ALASKA OFFICE

325 Fourth Street
Juneau, AK 99801
(907) 586-2751

NORTHWEST OFFICE

216 First Avenue South
Suite 330
Seattle, WA 98104
(206) 343-7140

MID-PACIFIC OFFICE

212 Merchant St.,
Suite 202
Honolulu, HI 96813
(808) 599-2436

March 8, 1989

Mr. Robert T. Dale
Bureau of Land Management
Albuquerque District Office
435 Montano NE
Albuquerque, NM 87107

Re: Draft Environmental Impact Statement for Molycorp
Guadalupe Mountain Tailings Disposal Facility
BLM-NM-ES-89-003-4130

Dear Mr. Dale:

The Sierra Club Legal Defense Fund has been asked by Amigos Bravos to review the draft environmental impact statement prepared by BLM regarding Molycorp, Inc.'s proposal to construct a molybdenum tailings disposal facility on 1,230 acres of public land near Questa, New Mexico. On behalf of Amigos Bravos, we submit the following comments to supplement those already transmitted to you by that organization.

The draft environmental impact statement, and indeed the proposed tailings facility itself, raise several serious concerns. First, the draft environmental impact statement fails altogether to consider alternatives to the proposed facility. The National Environmental Policy Act explicitly requires discussion of alternatives to a proposed action in every environmental impact statement. 42 U.S.C. § 4332(2)(C)(iii). The regulations of the Council on Environmental Quality implementing NEPA, which are binding upon BLM and other federal agencies, describe this discussion as "the heart of the environmental impact statement." 40 C.F.R. § 1502.14. Those regulations require agencies to "rigorously explore and objectively evaluate all reasonable alternatives," including "alternatives not within the jurisdiction of the lead agency" and "the alternative of no action." Id. § 1502.14(a), (c), (d). Independent of its requirements

128-1 See Section 1.4, Consideration of Alternatives, and Response to Comment 21-1.

128-1

Mr. Robert T. Dale
March 8, 1989
Page two

for environmental impact statements, NEPA also imposes a duty on federal agencies to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." 42 U.S.C. § 4332(2)(E).

As we understand it, BLM considers these requirements not to apply to its review of proposals under the federal mining laws, apparently on the belief that it must approve such proposals as submitted. DEIS, 1-16. That position is entirely unsupported in the agency's regulations or by case law. BLM retains significant authority to regulate the use of the public lands for mining purposes under § 302 of the Federal Land Policy and Management Act, which requires the Secretary of Interior, in managing the public lands, "to take any action necessary to prevent unnecessary or undue degradation of the lands." 43 U.S.C. § 1732(b). Exercise of that authority plainly requires consideration of alternatives to an applicant's proposal in order to verify that the impacts of such development upon the public lands are not "unnecessary or undue."

Construing § 603(c) of FLPMA, which imposes upon the Secretary a similar responsibility to prevent "unnecessary or undue degradation" of wilderness study areas, the United States Court of Appeals for the Tenth Circuit recently held that, although BLM cannot deny road improvements for existing rights-of-way altogether, "when a proposed road improvement will impact a WSA the agency has the duty under FLPMA § 603(c) ... to determine whether there are less degrading alternatives, and it has the responsibility to impose an alternative it deems less degrading upon the nonfederal actor." *Sierra Club v. Hodel*, 848 F.2d 1068, 1090-91 (10th Cir. 1989). The court held that this obligation was sufficient to invoke NEPA's requirements, and required an EIS to be prepared. *Id.* at 1091. A parallel obligation plainly extends to BLM's consideration of mining projects that would affect the public lands.

Moreover, the CEQ regulations require federal agencies to consider and evaluate reasonable alternatives beyond their own jurisdiction. Thus, even if BLM were to believe that the mining laws limit its options only to approval of the proposed plan of operations, it should address such reasonable alternatives as withdrawal of the site from the mining laws to protect its resources, or proposal for

Mr. Robert T. Dale
March 8, 1989
Page three

legislation taking the site by eminent domain. Consideration of the no-action alternative is thus plainly reasonable, and required by NEPA and the CEQ regulations.

The failure of BLM to consider alternatives in the Molycorp DEIS is in direct violation of NEPA and of the applicable regulations of the Council on Environmental Quality. That failure renders the DEIS wholly inadequate, for it excises the very "heart" of the document. That failure also renders the exercise of BLM's responsibility to ensure against unnecessary or undue degradation of the public lands affected by Molycorp's proposed tailings facility impossible. Without considering whether alternative sites or alternative methods of disposal might serve Molycorp's needs with less adverse environmental impact, BLM simply cannot fulfill its responsibilities under § 302 of FLPMA, and any decision it reached will be arbitrary. We note that Molycorp's proposal would, by BLM's admission, impose severe adverse impacts upon the Rio Grande Wild and Scenic River and upon the lands surrounding the site, as well as the site itself. Alternative sites, or alternative methods of disposal that did not require such extensive impacts, could plainly demonstrate that Molycorp's proposed use of this site constitutes "unnecessary or undue degradation."

For these reasons, we call upon BLM to prepare a new draft environmental impact statement that fully explores alternatives to the proposed project, including alternative sites and methods of tailings disposal and the no action alternative. The CEQ regulations require this step where a draft environmental impact statement "is so inadequate as to preclude meaningful analysis." 40 C.F.R. § 1502.9(a). We feel confident that the agency's present analysis would not withstand judicial review.

The Molycorps proposal raises other serious legal concerns. As BLM recognizes, § 7(a) of the Wild and Scenic Rivers Act prohibits federal agencies from assisting in the construction of water resources projects that would have a direct and adverse effect on the values for which a designated Wild and Scenic River was established. 16 U.S.C. § 1278(a). BLM acknowledges that Molycorp's tailings facility will have such impacts on the recreational and scenic values for which the Rio Grande Wild and Scenic River was designated. DEIS, 3-27-31. The DEIS does not indicate how BLM intends to resolve this apparent conflict with the Wild and Scenic Rivers Act. We

128-1
Cont.

128-2

The Draft EIS (Section 3.9, page 3-27) notes that the proposed project is consistent with both the RMP and Wild Rivers Recreation Area Management Plan. The plan specifies that maintenance of scenic quality should emphasize "the rivers and their canyons", not the entire viewshed of the river. Although the visual effects are identified in the Draft EIS as significant, they are not considered to be in conflict with the Wild and Scenic River Act. See Responses to Comments 28-1 and 113-11 for further discussion of related issues.

128-2

Letter 128 Continued

Response to Letter 128 Continued

Mr. Robert T. Dale
March 8, 1989
Page four

128-2
Cont.

call upon BLM to fulfill its responsibilities under that law, and deny the plan of operations.

The Molycorps proposal also raises concerns under the mining laws themselves. First, the Mining Law of 1872 explicitly restricts location of mill sites on nonadjacent lands to five acres. 30 U.S.C. § 42(a). Molycorp's proposal to use 1,230 acres of public land for this purpose appears to violate this provision on its face. Even if consolidation were permitted, under Departmental decisions, an operator is entitled only to the minimum acreage necessary for its operations. United States v. Swanson, 14 IBLA 158 (1974). Each mining claim is not entitled to an individual mill site. Alaska Copper Co., 32 I.D. 128 (1903). These principles call into doubt whether Molycorp's proposal to use 1,230 acres is in fact needed at this time for its operations, reinforcing our view that consideration of alternative sites and methods is urgently needed to determine the minimum necessary facility.

128-3

128-3 The size of each individual mill site claim is limited to 5 acres. The number of claims is not limited. Refer to Response to Comment 73-5.

Second, Molycorps does not appear to intend immediate use of any part of the site for a mill site, as required by applicable law. As the courts and the Department of the Interior have long held, the validity of an unpatented mill site depends upon actual use and occupancy for the intended purpose. Kershner v. Trinidad Milling & Mining Co., 27 N.M. 326, 201 P. 1055 (1921). Present and continuing use must be demonstrated, see, e.g., Dalton v. Clark, 129 Cal. App. 136, 18 P.2d 752 (1933); Hartman v. Smith, 7 Mont. 19, 14 P. 648 (1887); an anticipated future use is not sufficient. E.g., United States v. S.M.P. Mining Co., 67 I.D. 144 (1960). Once the site is entered and located, the claimant must proceed within a reasonable time to use the site for milling purposes; it cannot hold the site as a paper location. Arthur Crowley, 46 I.D. 178 (1917).

128-4

Yet this appears to be Molycorp's express purpose. The DEIS admits that Molycorp has substantial remaining capacity in existing tailings facilities, and that Molycorp's mining and milling operations "have been temporarily stopped due to the depressed price of molybdenum." DEIS, ii. The DEIS states:

Molycorp expects to re-open, and expand, their existing operations as soon as the molybdenum market allows for production at profitable

128-4 In U.S. versus Cuneo, 15 IBLA 304 (1974), the Interior Board of Land Appeals considered factors that should be taken into account where a mill site is not presently used or occupied. It was held that no specific period of non-use could be established because the factors vary from case to case. The Board said:

In considering the issue of occupancy of a mill site which is not being used, we must apply a test of reasonableness to determine whether the period of nonuse demonstrates invalidity. Within this concept of reasonableness, factors in addition to time of nonuse are relevant, namely:; marketing conditions; costs of operations; and all factors bearing upon the economic feasibility of a milling operation being conducted on the site.

It would seem from the above reasoning that Molycorp is proceeding in a prudent manner in requesting the use of the mill site claims in planning for the future closure of the existing pond.

Refer also to Response to Comment 2-2.

Mr. Robert T. Dale
March 8, 1989
Page five

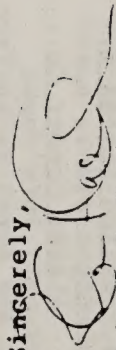
levels. Given the length of time involved in securing the new site, in addition to initial construction requirements, the company is proceeding with the permitting process to obtain the necessary approvals for use of the site to prudently plan for the future.

DEIS, iii, 1-3 (emphasis added).

Molycorps thus intends its plan of operations merely as for future, speculative use. Speculative, paper locations are invalid under the mining laws; moreover, speculative uses of the public lands would appear certain to constitute "unnecessary or undue degradation."

We urge BLM to consider these points closely in discharging its responsibilities under the National Environmental Policy Act, the Wild and Scenic Rivers Act, FLPMA, and the mining laws. Please notify us of any decision regarding this matter, and provide us with further environmental documents you prepare.

Sincerely,



Robert G. Dreher
Staff Attorney

cc: Brian Shields, Amigos Bravos

Letter 129

Response to Letter 129

Mr. Robert Dale
District Manager
Albuquerque District Office
435 Montana N. E.
Albuquerque, NM 87107

March 2, 1989

MAR 9 P 1: 58

610 Albuquerque, NM

Dear Mr. Dale:

I am writing to protest the award of Public land (Guadalupe Mt) to Moly Corp, because:

The proposed site lies between the Village of Questa, the community of Cerro and the Rio Grande.

The site is also located in part of what is the Rio Colorado Land Grant which was granted to 50 families by the Spanish government in 1815 and again by the Mexican government in 1842 as the San Antonio Del Rio Colorado. This grant was approved by the U.S. Surveyor General on January 6, 1874.

The other part of the proposed site lies in what was the Plaza De Guadalupe Land Grant, which was made by the Mexican government prior to 1841.

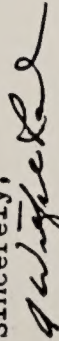
These lands rightfully belong to the people of Questa and Cerro. It is wrong for our government to give our lands to a corporation for the use of dumping chemicals which will effect us and our future generations.

This dump will not only destroy the beauty of our communities but it is also certain that the water tables of both communities will be effected because the proposed site lies about 700 feet above both communities.

It is wrong to give our land to a mine that will destroy the value of life of the people that are the rightful owners. It is these people that will have to suffer the effects of such an award.

Mr. Dale, Please, consider the long term effects of this decision on the people from Questa and Cerro.

Sincerely,



A. Wilfred Rael
P.O. Box 603
Questa, NM. 87556

Letter 129 Thank you for your letter.

13 MAR 9 P 2: 00 March 7, 1989

910 Albuquerque, NM

Robert Dale
BLM Office
435 Montana, NE
Albuquerque, NM 87107

Mr. Dale:

I am a life-long resident of Cerro, NM and I strongly object to the Bureau of Land Management granting MolyCorp permits to destroy our back-door mountain. I just can't understand why a government agency, whom we the people put our trust in to manage public lands can turn around and give it away to a company that will not only destroy the land, but will also jeopardize the health and well-being of the citizens of our community.

How selfish and what a shame that the BLM in July of 1981 designated Guadalupe Mountain as an "Area of Critical Environmental Concern", and now BLM is willing to give this beautiful mountain to MolyCorp so they can destroy it.

If BLM can't be trusted to do the job they are paid to do, then I suggest an overhaul of this agency.

Sincerely,

Jose E. Archuleta

This letter also received from:

Joseph Archuleta
R.P. Santistevan

130-1 See Response to Comment 40-4.

130-1

Letter 131

Response to Letter 131

1113 Summit Dr., NE
Albuquerque, New Mexico 87131
March 7, 1989

MAR 9 P2:05

Robert T. Dale
Bureau of Land Management
Albuquerque District Office
435 Montano NE
Albuquerque, NM 87107

Dear Mr. Dale:

In response to the request for comments on the MolyCorp Environmental Impact Statement, I have several things to mention. The most bothersome aspect of the plan for tailing ponds in the saddle of the Guadalupe mountains is that need has not been shown. MolyCorp still has capacity at its present site for 8-10 years of full-time operation by conservative estimates. Furthermore, the mine presently is not operating, and economic conditions do not indicate a drastic turnaround. As stewards of public property, the Bureau of Land Management has the responsibility to insure that these lands are managed in the best interest of the people of the United States. Even though the Mining Act of 1872 allows public lands to be claimed for mining, still there has to be proof of need.

Even if need is documented for this site, MolyCorp should be required to discuss the possible alternatives. The Environmental Impact Statement is so devoid of alternative sites or plans that evaluation of the Guadalupe site plan is difficult at best. It is not the intent of these comments to completely deny MolyCorp, but they leave no choice when only a yes or no alternative is presented.

There are significant negative impacts to air quality and visual views from the MolyCorp plan. Considering MolyCorp's suspect reputation from previous operations in regards to their tailing ponds, environmental impact is a very serious concern. Environmental and visual impacts would have a direct impact on the major business of the area - tourism. It would especially affect the Wild and Scenic River area just to the west of the proposed site.

The boom and bust cycle of the MolyCorp operations has not been very beneficial to the Questa and Taos areas. It would be a tragedy to potentially sacrifice the one steady source of business to the area for the vague promise of reopening a mine.

Sincerely yours,

Thomas H. Robey
Thomas H. Robey

131-1 See Section 1.4, Consideration of Alternatives, and Responses to Comments 2-2 and 21-1.

Mr. Richard F. Stegemeir
President & Chief Operating Officer
Verbal Center - Rm - 1200

P.O. Box 7600
Los Angeles, Calif - 90051

Dear Mr. Stegemeir,
First let me introduce myself.
My name is Adonias Dailegas (and I
am a resident of Orquesta, town &
raised in Cerro -

The purpose of my letter is to
hopefully encourage you to proceed
with the opening of the mine
in I, as well as many other
people that I have contacted
feel that this is essential to the well
being of the people, and the economy.
Maybe you have received mail from
people who are against the mine opening.
These people are only a few who carry
a personal vendetta with management,
and doing all that they can to make
things look bad. Some of these
people have only been here for a
very short time & they have a
tendency to brainwash the weak
ones.

Letter 132

Thank you for your letter.

These group has the habits of going against things that tend to be of benefit for the Community. They have never been able to prove anything.

I am a member & official of the Irrigation System here in Questa and I can vouch that no damage has been done to crops & livestock. The spills have only caused a mess & nothing more, but the mine has been attentive to this matter. As far as I know, no one has been hurt by these spills.

Things like these are to be expected.

I would like to strongly urge you not to delay or postpone your plans for the re-opening of the mine due to contradictions promoted by people who don't know where they are coming from or could care less.

In closing I would like to thank you for your time & co-operation, and hoping that your conscience guides you in favor of all of us who appreciate the mine.

Respectfully yours

Ciderman's Gailgors

P.O. Box 355

Questa, N. Mex - 87556

C.C. Robert T. Dole

BLM

February 13, 1989

Mr. Robert T. Dale
Bureau of Land Management
Albuquerque District Office
435 Montana, N. E.
Albuquerque, New Mexico 87107

Re: Your 30 day extension for comments
regarding the Molycorp Guadalupe Tailings Project

Dear Sir:

We, the undersigned citizens of Northern New Mexico, object to your recent decision to extend the comment period for 30 days more beyond the original 2/9/89, deadline. But since you have extended this period, we wish to take the opportunity to further comment and/or rebuttal.

It seems rather obvious that the issues, or reasons, for extending the comment period is no longer the concerns for the environment, but rather a stalling period, or more time, for some of these anti-everything--so called environmentalists, to concentrate their efforts to keep Molycorp from re-opening and providing the necessary employment for Taos County--which in turn, benefits state-wide and nation-wide. Your decision to extend the comment period to accommodate a few, is an insult to thousands of individuals who hurriedly took the necessary steps and responded in favor of the Guadalupe Tailings Project before the 2/9/89 deadline!

The draft Environmental Statement was prepared from information provided by professional, technical experts in their respective fields and not by a group of mis-informed individuals who continue to spread false fears about the environment concerning the Guadalupe tailings project. Certainly the BLM personnel, with all their expertise in these matters, should take only that study in consideration, and not give in to mis-informed groups.

It is these same individuals that are against everything; the government--the community--or any economic development that will benefit the local citizens to prosper. Our desires have always been to be part of Main Stream America; to be able to educate our families so they too, can compete with the rest of the country -- so they can keep our country free and strong. We cannot accomplish any of this if local jobs are not created. Molycorp, by its re-opening, can help us achieve these goals.

It is not fair for some of these individuals to try to live their fantasies in northern New Mexico at our expense--(no jobs), nor is it fair for the local citizens to have to move out of their beloved homeland for employment in other states, just so that these so called "concerned citizens of the environment" can remain in our communities to enjoy our beautiful mountains, waters and clean air, while we natives have to leave to suffer elsewhere; possibly to the areas from which they came here in the first place. Probably nobody paid any attention to their anti-everything in those communities, so they moved here ... to try the same tactics here... we will not let them overcome!

Letter 133 Thank you for your letter.

Mr. Robert T. Dale

2/13/89

Pg. 2

(Re: 30 day extension/Molycorp Guadalupe Tailings Project) continued

It is these same anti-everything individuals that you see in local grocery stores with big stacks of food stamps; for they have learned how to beat the government system, or whatever reasons they have, for not needing a job. We, the people of northern New Mexico, have always preferred to work in order to provide for our families and we do not rely on state assistance, nor do we rely on easy cash from illegal substances from hidden laboratories or illegal crops planted in our mountains...to make our living...WE WANT TO WORK!!! Drugs to our children and our communities are the biggest pollutants in this country; not big corporations who are already over-regulated by our government to the point where they can no longer compete with other countries.

We wish to emphasize... it is not that we do not care about the environment, for it is essential that we maintain a clean one, but Molycorp's pollution (if any), can not be worse than some neighbors' dirty backyard, nor their dumping their trash in some open arroyo or river stream.

Our intent is not to be against every outsider/non-natives, because some have joined our communities, blended in and have become worthy citizens by contributing to the good of the community; living peacefully and letting us live, thus creating a harmonious relationship...so should these other anti-everything individuals try to live and let live, instead of only caring about their selfish concerns.

We, therefore, sincerely implore of you that you look favorably upon Molycorp's Guadalupe Tailings Project.

This petition contained
97 signatures.

Mr. Robert Dale
Albuquerque District Office
435 Montana N.E.
Albuquerque, NM. 87107

March 5, 1989

MAR 9 P 1:59

Dear Mr. Dale;

For the record, I want it to be understood that I am not against economic development in our community; however, I am protesting the award of the Guadalupe to Moly Corp because,

Economic development should not jeopardize the health and well being of innocent people.

The mine tailings is pumped into the tailings lines at high pressure at an elevation of approx. 8,000 feet. The lines run down 6 miles to Questa along the Red River to an elevation of approx. 7,300 feet, than up ward to an elevation of 8,200 feet.

This creates a head pressure of at least 900 feet not counting the initial pump pressure.

We know this high pressure on tailings lines has caused excessive and unnecessary spills.

All of the acequias on the Red River are effected by these spills and the resulting contamination of the river.

The effects of these spills cause unnecessary and excessive degradation of public and private property.

The tailings pipe line is part of the operation and is the way that spills have occurred in the past.

MolyCorp has failed to live up to its agreements with respect to tailings lines, because they have failed to upgrade the pipe as they agreed to in a consent decree that was entered into in U.S. District Court on September of 1981.

Because of its past history MoclCorp should be required to:

- 1) Meet its previous legal agreements before the new plan is further considered.
- 2) MolyCorp should be required to show how their operation in the future will eliminate the spills that are caused by this type of operation

Such controls should be part of the medigation plan in the E.I.C. to prevent undue and unnecessary harm to innocent people.

Sincerely,
A. Wilfred Rael
A. Wilfred Rael
P.O. Box 603
Questa, N.M. 87556

134-1 See Responses to Comments 27-9 and 63-2.

GOVERNOR
JAMES H. GARDNER

State of New Mexico

STATE GAME COMMISSION



GUADALUPE MOUNTAIN
SILVER CITY

DIRECTOR AND SECRETARY
TO THE COMMISSION

BILL M. GARDNER

March 8, 1989

DEPARTMENT OF GAME AND FISH

VILLAGRA BUILDING
SANTA FE
87503

March 8, 1989

Mr. Robert T. Dale, District Manager
Bureau of Land Management
Albuquerque District Office
435 Montano, NE
Albuquerque, New Mexico 87107

Dear Mr. Dale:

The Department of Game and Fish has reviewed the Draft Environmental Impact Statement (DEIS) regarding MolyCorp's Guadalupe Mountain Tailings Disposal Facility, dated December 1988. According to the DEIS, MolyCorp is proposing to construct a 825-acre tailings disposal pond on Guadalupe Mountain, Taos County. The tailings pond would receive 18,000 tons of tailings/day (6.5 million tons annually), and would have a potential storage capacity of 250 million tons over a 40-year period of operation. The operation of this facility could potentially extend for a longer period of time depending on market fluctuation and various mining and milling problems.

Concerning the magnitude of this project as regards long-term cumulative impacts, the department considers the fish and wildlife resources portion of the DEIS as inadequate and thus unacceptable as a NEPA document. In particular, the document fails to adequately assess the wildlife values of the site, fails to discuss irreversible and irretrievable losses to wildlife and its habitat, fails to fully disclose the environmental impacts of the project, and fails to propose and thus discuss mitigation for environmental losses.

To thoroughly consider fish and wildlife resources, it is essential that the impacts of all project components be identified and evaluated. These impacts include not only the direct loss of habitat due to project construction, but also indirect, e.g., ground water contamination, or cumulative impacts. Given this, we submit the following recommendations for inclusion in the final environmental impact statement:

135-1

As your agency is aware, NEPA requires that the federal Authorizing Agency prepare a decision-making document addressing issues raised during the scoping process in a manner and at a level of detail consistent with the identified issues. The BLM has prepared a balanced document directed at fulfilling those objectives. Wildlife values of the site are assessed on pages 2-23 through 2-27 of the Draft EIS and anticipated impacts of the proposed action are disclosed on pages 3-18 through 3-24. Assuming successful reclamation of the abandoned facility, no irreversible or irretrievable wildlife impacts are anticipated. Final wildlife-related mitigation included in this document has been developed under the authority of the Fish and Wildlife Coordination Act, and the New Mexico Department of Game and Fish has been involved in the preparation of these mitigation measures. Expected consultation under the Act and the development of additional wildlife mitigation measures was addressed under Table 1-4 in the Draft EIS. Additional discussion can be found in Responses to Comments 79-8, 83-4, and 115-2. Final mitigation measures are listed in Section 1.5 of this Final EIS.

135-1

Mr. Robert T. Dale 2 March 8, 1989

1. Construction Design Plan

- 135-2 a) Cover open slurry channels with heavy gauge wire mesh to prevent losses, injury, and contamination of wildlife, including small birds and mammals.
- 135-3 b) Prevent ingress of terrestrial wildlife to tailings pond. The proposed 3-strand fence will not preclude wildlife access to the pond. The fence should be constructed of fine wire mesh and at least 6-feet in height.
- 135-4 c) Prevent contaminated tailings from reaching surface and ground water regimes, by lining the bottom of the tailings pond with an impervious material.
- 135-5 d) Reduce heavy metal concentration levels and monitor long-term effects.

2. Reclamation Plan

- 135-6 a) Restore all classes of vegetation, i.e., herbaceous, shrubs, and trees, to densities existing prior to construction. A minimum of 6-feet of topsoil should be placed over a layer of impervious material covering the contaminated tailings to prevent plant uptake of contaminants and thus allow healthy growth of trees and shrubs.
- 135-7 b) Seed mixture should include only native species of all vegetative classes. Reseeding should commence during the first growing season following placement of topsoil.

3. Mitigation Plan

- 135-8 a) Develop and implement the wildlife management plan as stated in the Environmental Assessment for MolyCorp, 1985, Chapter III, Environmental Consequences, page III-14. This plan should involve the Bureau of Land Management, U.S. Fish and Wildlife Service, MolyCorp, and the New Mexico Department of Game and Fish.
- 135-9 b) Develop several wildlife waters in adjacent areas.

135-2 There are no open slurry channels planned for the project. Tailings slurry is to be delivered to the tailings disposal facility through a pipeline as identified in Chapter 1 of the Draft EIS. Clarified decant water from the facility would be transported to the existing Ion Exchange Facility near Pope Lake via an open, lined channel or a pipeline depending on final design. A pipeline would preclude wildlife access.

135-3 The issue of fencing out most classes of wildlife was considered in preparation of the Draft and Final EIS but a determination was made to fence out livestock only and allow wildlife access to undeveloped portions of the site. There have been no reported incidences of wildlife entrapment or acute toxicity associated with the existing pond system. The fence design could be modified at a later date to preclude larger wildlife species if a problem were identified.

135-4 See Response to Comment 63-6.

135-5 See Response to Comment 1-2.

135-6 Please see Responses to Comments 20-2, 20-3, 39-1, and 82-4.

135-7 We agree that the final reclamation plan should rely on native species only and that reseeding should begin immediately following topsoil placement. Please see the Responses to Comments 20-2, 20-3, 39-1, and 82-4.

135-8 Please see Response to Comment 115-2.

135-9 This suggestion has been taken into account and is included in the development of the final wildlife mitigation measures. Please see Response to Comment 115-2.

Letter 135 Continued

Response to Letter 135 Continued

Mr. Robert T. Dale

3

March 8, 1989

135-10

- c) Manipulate and enhance marginal vegetative areas to provide equal quality of forage and thermal cover for displaced wildlife, as that removed from tailings pond site.

135-10

This suggestion has also been considered. Refer to Response to Comment 115-2 and the final mitigation in Section 1.5.

135-11

4. Monitoring Plan

- a) A monitoring plan should be implemented prior to construction, continued through the operational and reclamation phases, and extended a minimum of 5-years post-reclamation.

135-11

The concept of an intensive long-term wildlife monitoring plan is outside of the scope of this EIS. Monitoring will be required in regard to toxic uptake. See Section 1.5 for final mitigation measures. See also Response to Comment 39-1. Monitoring of other resources that may affect wildlife such as surface and groundwaters will be required as part of their respective individual permits.

135-12

- b) Determine levels and potential effects of heavy metal plant uptake, and the extent of soil and water contamination at and beyond the immediate disposal site.

135-12

See Responses to Comments 20-2, 20-3, and 39-1 regarding the potential uptake of toxic elements by plants and the possible foraging by area wildlife species. Also see the final wildlife mitigation measures agreed to under the Fish and Wildlife Coordination Act as discussed under Response to Comment 115-2, and as listed in Section 1.5 of this Final EIS; monitoring will be required in regard to toxic uptake.

135-13

- c) Determine extent of wildlife contamination from consumption of contaminated water, plants or soil.

135-14

- d) Determine results of reclamation measures in terms of wildlife use, movements, and population dynamics.

135-13

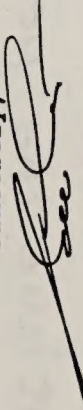
Please see Responses to Comments 39-1, 135-11, and 135-12.

135-14

Please see Responses to Comments 135-11 and 135-12. Assuming successful reclamation, the site would ultimately be available for wildlife use.

Thank you for affording the Department of Game and Fish the opportunity to review and comment on the Guadalupe Mountain Tailings Disposal Facility DEIS. Should you need additional information, feel free to contact Andrew Sandoval (827-7952) or Byron Donaldson (827-9908) of this department.

Sincerely,



Bill Montoya
Director

BM/BD/cs

cc: John Peterson (Ecological Serv. Field Supervisor, USFWS)
Joanna P. Lackey (NE Area Supervisor, NMGF)
Lisa Fisher (NE Area Game Manager, NMGF)
Todd Stevenson (Taos District Supervisor, NMGF)
Dick McCleskey (Assistant Director, NMGF)
Jim Vaught (Field Operations Division Chief, NMGF)
Andrew Sandoval (Environmental Section Chief, NMGF)

3-6-89

Mr Robert M. Dale
B.L.M. office
435- Montano N.E.

Mr Dale

Beening That we the people
from Cerro we well be the
Victims of all the pollution
and the Damage it will cause
to our farm land & our
wells? who is going to be
Responsible for all this?
Moly can make alot of
promises, that is as far as
they will go. if they sell out
that will be the end - I like
the way they put it if we dont get
the Quadehue mt we are not going
to Reopen - hal its a joke or
give me the mt for more value
but I guess its going to work
out -

Ben Sanitis town

Box 33

Cerro 11 miles S75W

136-1

No impacts to farmland or groundwater resources are predicted to result from the proposed project. MolyCorp has to meet state and federal laws regarding water and air quality standards. Compliance with these standards would be enforced by the responsible agencies.

136-1

Letter 137

Response to Letter 137

From the desk of
STEVEN R. GOODMAN, D.P.M.

Robert Dale,
JAN 10 P 3: 05

010 ALBANY, N.Y.

Please consider not

allowing Mohycores request for
another tailing pond.

My concerns are time need,
more study, alternatives,
and environmental impact

Thank You

Steven Goodman DPM
Rt 1 Box 189 B
Switz Tc, N.M.
87501

137-1

137-1 See Section 1.4, Consideration of Alternatives, and Responses to
Comments 2-2 and 21-1.

Robert J. Dale
Bureau of Land Management
Albuquerque District Office
435 Montana, N.E.
Albuquerque, NM 87107

630 North Star Route
Aurora, NM 87556
March 8, 1989

MAR 10 P 3: 04

Dear Mr. Dale:

I live in the Aurora area; viewing the Bradshaw Mountains from my home. I am deeply concerned about the dust that I see blowing off the two PolyCorp tailings ponds and adverse effects that the toxic elements in this dust may have on the health of people in the community of Aurora.

Now that PolyCorp is proposing to acquire land in the Bradshaw Mountains to develop yet another tailings disposal site, I feel compelled to express my disapproval and ask questions about methods for future dust control.

Students at the Aurora High School felt concerned enough about the effects of the tailings dust on their health to leave classes. Respiratory therapist caring for a patient in the area of the tailings ponds found tailings dust clogging filters on an oxygen machine.

In the Environmental Impact Study on page 1-14 it is stated that "dry areas of the tailings would be periodically sprayed with a chemically inert stabilizer to form a crust and reduce fugitive dust emissions."

What evidence is there to show that this stabilizer will be effective? How often does this stabilizer need to be applied? How often will it be applied? What is the chemical makeup of this stabilizer? Has it been proved to be non-toxic?

I ask you to address these issues and consider the serious impact of a new tailings site. The people of our area plan to live on this area for many years to come. We expect you to make a responsible decision on this matter.

Sincerely,

Robert J. Dale

To B. L. M.

13 MAR 10 P 2: 18

The people in our area (El Rito) that I have talked to would like to see Moly re-open because of the jobs it would provide.

~~However~~ we don't like 568 acres of land being destroyed or a 400 foot high dam impairing the scenic beauty of our area. Further we don't like the tailings spills into the Red River or the tailings dust inhaled by our children while they are in school.

In the EIS it is stated on section 2 page 9 that the Guadalupe Mtns are a major re-charge of the aquifer that supplies the Rio Grande springs and the springs at the Red River Fish Hatchery. Section 3 page 8 quotes Dames & Moore stating that metal from a tailings site in the Guadalupe would seep downward into the water table. The study further states the metal will be absorbed in the soil before they reach the water table. However the water table below the present tailings site is polluted.

139-1

139-1

The discussion on page 2-9 of the Draft EIS does not state that the Guadalupe Mountains are a major recharge of aquifers that supply springs in the Rio Grande and the Red River. It does say that: 1) some (minimal) surface water runoff from Guadalupe Mountain does flow (overland) to the rivers; and 2) groundwater flowing under Guadalupe (but recharged elsewhere) does discharge at springs.

It is not likely that the Fish Hatchery springs are down hydraulic gradient of Guadalupe. It is believed that the Big Arsenic Springs complex is hydraulically related to groundwater flowing under Guadalupe.

The discussion on page 3-8 does not quote Dames & Moore stating that metals will seep downward "into the water table". It does say that metals "should be attenuated before reaching the water table". Please refer to Response to Comment 1-2 for additional discussion on this issue.

The "water table" below the present pond cannot be compared to the situation at Guadalupe. The hydrogeologic environment is considerably different. Please refer to Responses to Comments 27-2, 44-3, 53-2, and 63-5 for additional discussion on this issue.

With the herein examples cited we must oppose the Guadalupe site and ask that an alternative site be considered. We can support Moxy only if they study seriously returning the tailings to the open pit at the Mill. This alternative would eliminate the bearing dust, pipe spills into the Red River, and save an unspoiled wilderness in the Guadalupe. We must also ask that the present tailings site be sealed and reclaimed as soon as possible.

Lang Edwards
President of Rater Landowners
635 North Star Route
Queen NM 87556

139-2

See Section 1.4, Consideration of Alternatives, and Response to Comment 21-1. The deposition of the tailings slurry into the existing open pit would create a safety hazard to workers in the mine, and is not a feasible alternative.

139-2

Letter 140

P.O. Box 47
Taos Ski Valley, NM 87525
March 7, 1989

Mr. Robert T. Dale
Bureau of Land Management
Albuquerque District Office
435 Montano N.E.
Albuquerque, New Mexico 87107

Dear Sir:

This letter contains my comments and recommendations on the BLM's Draft Environmental Impact Statement for the MolyCorp Guadalupe Mountain Tailings Disposal Facility. The attachments contain amplifying comments tied to specifics of the Draft EIS. My viewpoint is that of a Taos area resident with some three decades of use of, and fascination with, the area which the BLM identifies as the Wild Rivers Recreation Area.

In brief, I believe that information presented in the Draft EIS is inadequate as a basis for federal approval of the proposed action because that action could result in unnecessary and undue degradation of the environmental conditions now present in public lands of the Rio Grande Wild and Scenic River and Wild Rivers Recreation Areas. In view of the lack of compelling economical or social arguments for an immediate decision on this matter, I recommend a program of quantitative and qualitative studies and analyses as to provide an adequate informational basis for such a decision, to be completed within several years. The program envisioned should be multiagency (BLM lead) and multi disciplinary in order to assure broad consideration of all concerns raised in this BLM review process.

Two environmental impacts dominate my concerns: 1) creation of visual insults such as that caused by the technological inability to disguise or otherwise reclaim the faces of the two dams such that they would blend with the surrounding terrain (a conflict with BLM Visual Resource Management objectives, acknowledged in the Draft EIS) and 2) return of the debilitating insult to the quality of the lower Red River and Rio Grande trout fisheries, apparently attributable to yet undetermined aspect of operations of the moly mine facilities in the 1964-1983 period (A conflict not mentioned in the draft EIS but surfaced at the January hearings in Taos). Scientific and technical mitigations or alternatives for the proposed operations, dams and other facilities may be required in order to preclude these and other environmental insults. To facilitate this, MolyCorp's internal study of alternative disposal facilities (1970's) could be updated and subjected to multiagency review, as an essential part of the continuing program.

As the BLM has observed in its Taos Resource Management Plan and Environmental Impact Statement, the public resources held in stewardship by the BLM in the areas of interest are important

140-1 See Responses to Comments 2-2 and 28-1. No unnecessary and undue degradation would occur on public lands of the Wild Rivers Recreation Area.

140-2 The Draft EIS indicates the visual effects would be significant from the western viewpoint. See pages 3-28 through 3-31 in the Draft EIS.

140-3 See Response to Comment 63-2.

140-4 See Section 1.4, Consideration of Alternatives, and Response to Comment 21-1.

Letter 140 Continued

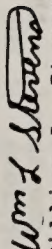
Response to Letter 140 Continued

settings for the growth of the local tourism industry...especially as regards fishing waters, whitewater and scenic floats, and developed recreation sites. The BLM's approval of the present MolyCorp proposal would result in de facto forfeiture of options facing the residents of Northern New Mexico in support of the socioeconomic goal of significantly improving the quality of scenic educational and outdoor recreational resources.

The situation of potential conflicts between actions proposed by governmental or private agencies and the attendant impacts on regional economies and quality of life seems to me to call for econometric models which would quantify impacts and thus illuminate the tradeoffs for decision makers. I urge the construction of a such a model for the Taos Region and invite your support.

I will appreciate your consideration of the general recommendations herein and response to the matters cited in the attachments to this letter, even if informally and orally before issuance of the final EIS.

Sincerely,


William L. Stevens

Attachments (4)

140-5 Please refer to the Response to Comment 108-3.

140-5

Attachment 1 - Comments of the Draft Environmental Impact Statement for the Molycorp Guadalupe Mountain Tailings Disposal Facility

FOREWORD

As a resident of the Taos area, I enter into public dialogue on the subject matter with mixed convictions and views. While I am dedicated to the positive goal of preserving and protecting the natural qualities of Northern New Mexico's Rivers, especially the Rio Grande, I do not intend to be an environmental activist or adversary to development actions in the region. On the other hand, I cannot in conscience categorically ignore actions taken on proposed by private or public persons or groups when those actions clearly would impinge on wild rivers resources.

In the spirit of making my comments here self-contained and to add to the record, I have included supporting documents as Attachments and have included for clarity some tutorial information.

The comments given below are focused on specific contents or omissions in the Draft EIS, with page numbers cited in parentheses.

COMMENTS

1. Lack of a "No Action Alternative" and Urgency of Proposed Action.

The Draft EIS does not contain sections which consider and assess the impacts of alternatives to the proposed action, as is normally done for EIS's and is provided for by federal guidance documents for preparation of EIS's. Alternatives in this sense are of three types: "No action, alternate locations, and alternative methods of accomplishing the objectives of the proposed action" (Page 1-16). The BLM's "Scoping Summary for the Molycorp Tailings Disposal EIS" document of December 5, 1986 states that a No Action Alternative will be addressed in the EIS (Appendix A, Enclosure 1, Page 2). The concurrent BLM's "Responses to Public Concerns" document gives the BLM's legal argument for not considering alternative site locations and states that Molycorp's "Plan of Operations for the Guadalupe Site" contains analyses of other site locations which had been evaluated by Molycorp.

The lack of the promised No Action Alternative in the Draft EIS has proved regrettable in that there is no definitive federally-endorsed statement of the impact of non-approval of the proposed action. This gap created by this omission has led to attempts to inform the public of the prospectus, but, unfortunately, also to contentious exchanges reported in the public media. Notably, a Molycorp official announced that re-opening and expanding the mine would be contingent upon BLM's approval of the proposed disposal facility, rather than merely on recovery of the market price of moly (Appendix A, Enclosure 2, Page 1) (TAOS NEWS, January

140-6

See Section 1.4, Consideration of Alternatives, and Response to Comment 21-1.

140-6

12, 1989). Amigos Bravos issued an open letter to the public on January 12, 1989 which suggested that the existing tailings storage facility would allow operations at full capacity for 8-10 years and for 16-18 years with expansion at that site. (Attachment 3)

I conclude from those developments that there is no compelling social or economical argument for an immediate decision on the matter. Instead, there is time for further studies and analyses to better illuminate concerns for decision-makers.

2. Compatibility of Proposed Actions and the BLM's Taos Resource Management Plan and Final Environmental Impact Statement (RMP/EIS) of October 1988.

The proposed facility is located in the BLM's "Guadalupe Mountain Area of Critical Environmental Concern", which also is a part of the BLM's larger "Wild Rivers Recreational Area Special Management Area". This SMA also includes a portion of the Rio Grande Wild and Scenic River Area, the first such area designated in a federal act in 1968. The BLM's Taos RMP/EIS document cited above contains the decision of the BLM's State Director for general management direction of the SMA over the next 10-20 years and as a guide for all land and resource actions to achieve plan decisions (RMP/EIS, page LG-1).

The Wild Rivers Recreation SMA was the site of the BLM's national-level Wild and Scenic Rivers Festival of June 17-19, 1988. Active participation in the event by volunteers in the Taos/Questa/Cerro area led to formation of Amigos Bravos.

The Draft EIS states that the proposed action is "consistent and compatible" with the Taos RMP/EIS and the "Wild Rivers Area Management Plan (U.S.D.I BLM 1988)". While I have not yet reviewed the latter document (it's existence was not known), I have reviewed the Taos RMP/EIS. Because of the critical importance of this document to my recommendations contained in the cover letter, I have reproduced the pertinent full section and have highlighted key wording by underlining, as Attachment 4.

I believe that the BLM's positions in the Taos RMP/EIS and in the Draft EIS are inconsistent and incompatible and that analyses by other reasonably prudent lay persons would come to the same finding. The former document established the values of the significant resources of "Recreation" "Visual" and "Wildlife" and the Draft EIS would allow unnecessary and undue degradation of these same resources.

Note: Also, the Draft EIS does not address the potential noise impact during day-to-day operations after construction. It should.

140-7

140-7

As illustrated on Map 5-2 in Attachment 4 to your letter, the proposed project site is not located in either the Guadalupe Mountain ACEC or the Wild Rivers Recreation Area SMA. Please refer to the Responses to Comments 28-1, 113-11, and 128-2 for further discussion of related issues.

140-8

140-8

Noise emissions during day-to-day operations would be negligible compared with construction noise emissions. Consequently, when analysis indicated construction noise effects would not be significant, further analysis of operations was not necessary.

3. Omission of Consideration of Potential Impact on Fisheries of the Lower Red River and the Rio Grande River

The Draft EIS omits substantial consideration of the possible impact of the proposed action on the trout fisheries cited above. Evidence introduced orally at the January 21, 1989 hearings on the Draft EIS suggests that operations of moly mine facilities in the period 1964-1983 essentially destroyed the historic productivity of these naturally-reproducing fisheries and that significant recovery has occurred since closure of the mine*. The specific causes of the qualitative deterioration are as yet undetermined or affirmed by scientific evidence.

These fisheries are potentially significant Recreational and Economy and Employment (tourism) resources in the Taos region. I believe that BLM's approval of the proposed action should be deferred until convincing evidence as to cause of the deterioration apparently correlated to Molycorp's operations is obtained and mitigating/preventative measures are in place and enforced. I recognize and sympathize with the administratively difficult position in which the BLM is placed by interpretations of federal statutes (Appendix A, Enclosure 2, Page 1), e.g. consideration of only the proposed disposal facility....not the mine, the processing, or the transport of tailings. Nevertheless, approval of the proposed action would seem to me to constitute tacit endorsement of an environmentally degrading activity by granting a new long-term disposal option at the end of the processing chain. Since a broader based consideration of the total process seems to me to be clearly in national and regional interests, I intend to provide copies of my comments to our Congressional delegates and to other appropriate agencies should the BLM choose to continue on a path of approval.

4. Other Concerns and Questions

While I can identify additional concerns and questions, such would address technical, legal, or administrative jurisdiction matters that, while pertinent, I consider too detailed or otherwise inappropriate to be included in this overview statement.

* See also my letter to Dan Wood, BLM Taos Resource Area of June 30, 1987 on the BLM's Draft RMP/EIS, which letter suggests that the fisheries were at risk and recommended BLM actions to evaluate the situation.



OFFICE OF EPIDEMIOLOGY

GARREY CARRUTHERS
GOVERNOR

1180 Saint Francis Drive
Santa Fe, New Mexico 87503

MARALYN BUDKE
SECRETARY

C. Mack Sewell, Dr., PH. MS.
Acting State Epidemiologist

CARLA L. MUTH
DEPUTY SECRETARY

MICHAEL J. BURKHART
DEPUTY SECRETARY

MEMORANDUM

DATE: March 9, 1989

TO: Kent Hamilton, BLM
cc: Stuart Castle, GroundWater, EID
Joe LaBauve, Air Quality, EID
Gedi Cibas, Program Support, EID
C. Mack Sewell, Acting State Epidemiologist

FROM: Millicent Eidson, M.A., D.V.M., M.E.
Environmental Epidemiologist

SUBJECT: Draft EIS--Molycorp Guadalupe Mtn. Tailings
Disposal Facility

As Environmental Epidemiologist for the New Mexico Health and Environment Department, I have been asked to comment on the Health Risk Assessment (HRA), Section 3.14, of the Draft Environmental Impact Statement--Molycorp Guadalupe Mountain Tailings Disposal Facility.

I have not reviewed the rest of the Draft EIS. The HRA itself is only 4 pages long, which I believe is reflective of its cursory nature. Perhaps there is information in other parts of the document which is relevant to the HRA, but all pertinent information should be presented in the HRA or references should be made to its location.

The HRA should present numbers of people potentially exposed to windblown tailings at various locations, broken down by age, sex, predisposing medical conditions, estimated time in the area, whether indoor or outdoor, and types of activities performed. For example, asthmatics will be particularly sensitive to respiratory exposures. Children will have the longest possible latent period for cancers to occur. Those engaging in strenuous recreational or work activities outdoors will breathe in more particles. What is the distance of the high school from the proposed tailings facility? What is the age distribution of the attendees? How many hours per day do they spend inside, and outside, in the area of the school? Are there any rest homes in Questa, and how far are they from the proposed tailings facility? How many people use the nearby recreational facilities--fishing, hiking, boating--at the Wild and Scenic Rivers area? How many people live in the area?

141-1

141-1

The Health Risk Assessment represents many calculations and investigations which are referenced in the EIS. Also, the air quality sections of the Draft EIS contain information directly relevant to conclusions drawn in the assessment, including wind roses and predicted TSP and PM10 concentrations at nearby receptors.

An EIS is not the place for either a prospective or a retrospective epidemiological study. Certainly, the results of any existing studies are appropriate and would be considered here. The demographic information mentioned is certainly available to the state of New Mexico, but would serve no purpose here.

See Responses to Comments 71-1 and 71-2 regarding lead, molybdenum, and selenium. The well documented emission and dispersion models presented offer adequate information for determining maximum predicted impacts of the proposed project.

141-1
Cont.

There is no review of existing literature in the HRA regarding health effects of the tailings dust or its constituents. In my cursory literature review, I found scientific articles linking silica dust exposure to lung cancer, stomach cancer, tuberculosis, laryngeal tumors, nonmalignant respiratory disease including silicosis and fatal progressive massive fibrosis, and cardiovascular disease. Other scientific articles dispute these relationships, but these issues need to be presented and discussed in the HRA. The HRA estimates that lead, molybdenum, and selenium are present in the tailings dust at levels higher than those found in "average" soils. None of the extensive literature regarding the health effects of these three chemicals is presented in the HRA.

I would also like to see in the HRA discussion of the wind patterns in the area and estimates of where various constituents of the tailings pile will land at various times of day and season and conditions. Without such information I cannot assess the likelihood of exposure for different groups of people.

In summary, I believe the analysis presented in the HRA is inadequate for me to determine that there will be no health effects from the proposed tailings facility.



New Mexico Health and Environment Department

CARLA L. MUTH
Secretary
MICHAEL J. BURKHART
Deputy Secretary
RICHARD MITZELFELT
Director

3 MAR 10 P 1: 14

210

9 March 1989

Kent Hamilton
Bureau of Land Management
435 Montaña Ave., NE
Albuquerque, New Mexico 87107

Dear Mr. Hamilton:

We have reviewed the Environmental Impact Statement (EIS) issued by the Bureau of Land Management concerning the MolyCorp Mining Company's proposed Guadalupe Mountain tailings pond near Questa. Our review was limited to the health risk assessment portion of the EIS beginning on page 3-37. One of our concerns is the health risk, from the inhalation of silica, to high school students attending the school which is adjacent to the present tailings pond and will be about 1.7 miles from the new pond.

The EIS claims that there is no health effect from dust emissions since the emissions are not expected to be greater than State and Federal particulate matter standards at areas off the company property. This statement is based on dispersion modeling. We are not prepared to comment on the validity of this modeling. However, the use of ambient particulate matter standards is only applicable if the substance under consideration is ambient nuisance dust. Depending on the amounts of silica, metals, and other toxic materials, the fugitive dust from the tailings may have a greater toxicity than the dusts for which the State and National particulate standards are formulated.

The EIS addresses the question of tailings content of toxic metals. According to the EIS, the only toxic metals present in amounts significantly higher than background levels normally found in soils in this area are lead, molybdenum, and selenium. The EIS states that the airborne concentration of these materials is expected to be less than 1/1000 of the ACGIH TLV. The predicted concentrations (by modeling) of these three materials, along with their percent of 1/1000 of the TLV is shown below. We are not prepared to address the modeling procedure on which these numbers are based.

Metal	maximum predicted concentration	% of 1/1000 of the TLV
Pb	0.01 ug/m ³	6.67
Mo	0.08 ug/m ³	1.60
Se	0.0003 ug/m ³	0.15

- ENVIRONMENTAL IMPROVEMENT DIVISION -
Harold Runnels Building
1190 St. Francis Dr.
Santa Fe, New Mexico 87503

The policy of the Bureau concerning air toxic emissions in conjunction with Air Quality Control Regulations 702 and 752 is to allow emissions which do not exceed 1/100 of the TLV. Assuming these values are accurate, then these levels of metals are not cause for concern from a permitting or public health standpoint.

The question of silica content is not addressed in the EIS Health Risk Assessment Section. On page 1-21 it is stated that "New issues that were identified during scoping resulted in the decision to include a discussion of health risks associated with inhalable silica and dust in the Draft EIS." This statement not withstanding, we found no mention of silica in regards to health effects in the remainder of the EIS. In a conversation with the mine manager at MolyCorp in Questa, we were told that the silica content of the tailings (bulk sample) was 66.5 percent. We have yet to find data on the silica content of the airborne material and are not prepared at this time to comment further regarding the health consequences implied by this level of silica.

Our recommendations are that the question of silica exposure to the residents of the town of Questa and the Questa High School students and faculty be addressed in more detail in the EIS.

Another area not addressed is the presence of toxic materials other than metals which the tailings might contain. We have no reason at this time to believe that such materials exist, and if they do not, it should be so stated in the EIS.

A larger question of health effects regarding dust exists. Questions to date have centered on the possible silicotic effects of the tailings dust on the lungs of the Questa populace. The public health effects of high dust levels as an irritant also exist. Irritant effects of a pollutant are more than just a nuisance. High dust levels cause irritation to the eyes, nose and throat, and lower resistance to infection. High dust levels can also aggravate hay fever and other allergies, and cause excessive mucus production resulting in cold and flu-like symptoms. For these reasons, even if the risk of increasing the residents silica lung burdens is not a question, controls to prevent ambient concentrations of dust from reaching historical levels should be instituted.

We appreciate the opportunity to comment on this EIS. Please advise if you have questions pertaining to these comments.

Respectfully,

Joe LaBaume

Joe LaBaume, PhD, CIH
Environmental Engineering Specialist
Air Quality Bureau

141-2

141-2 Concerning silica, see Response to Comment 76-1.

141-3

141-3 Substances other than metals are addressed on page 1-12 of the Draft EIS. Methyl isobutyl carbinol, diesel oil, and pine oil all have moderate toxicities. As mentioned in the text, these materials, along with Orfom and Nokes Reagent, are in the tailings only in trace amounts and are not expected to pose any toxicity problems.

141-4

141-4 Mitigating measures to minimize blowing dust at the proposed tailings pond are addressed on pages 1-14 and 3-41 of the Draft EIS. See also Section 1.5 of this Final EIS.

3/8/87

To: Mr. Allen Hoffmister
Bureau of Land Management

JRM p3:19

Concerning: Guadalupe Mnt. Permit Appl.

From: Antonio Jose TRUJILLO II
P.O. Box 828
Questa New Mexico 87556

Mr. Hoffmister after reading
~~the~~ Both the environmental Impact study
and the Impact statement and having
considered the present dam~~s~~ and propos
area for new dam~~s~~ and also taking
into account Moly Corp's^{est} Record of
non-compliance with E.I.D. Regulations
IT is my opinion that Permit approval
should be postponed until further, more
conclusive study's can be made.

For example, I feel the Impact state
ment should have addressed questions

K. V.

ON geomorphics. such as what
the rate of erosion would be
on days of infrequent exceedances
(page ix Table I Summary of Impacts
Air Quality)

142-1

The emission rate from the proposed tailings facility would be 6.18×10^{-5} grams/square meter-second (1.98 lb/acre-hour) and was calculated from TSP concentrations measured by the New Mexico Environmental Improvement Division during 1984. It may be noted that erosion occurs with winds exceeding 12 miles per hour. These calculations are discussed in the Air Quality Technical Report that is on file with the BLM.

142-1

Also what effects does ~~changes~~ daily
changes in temperature which, ^{incidentally} ~~incidentally~~
~~exist~~ would not be the same as
for Questa or Cerro since it is
in a saddle and at a higher
elevation. There by making precipitation
studies for Guadalupe mountain necessary.

Have on surfactant and silica deposit
page 2.2 Table 2.1 monthly Temperature
summaries for Guadalupe mountain
indicate radical temperature changes

142-2

Being a native of area I would
suppose they occur ~~within~~ twenty-four
hour span's

Terrain effects are included in Response to Comment 20-1. Please refer to Response to Comment 27-7 regarding the surfactant. It should be noted that this and similar surfactants has been proven to be safe and are used in other applications throughout the country.

142-2

(3) pages

142-2
Cont.

If no how deep do fissures due to temperature changes run?

The statement ~~statement~~ gives wind data only in area of wind direction and does not cover wind velocity or converges with other air masses.

142-3

Specific wind speed and direction data are provided in the Air Quality Technical Report on file with BLM.

142-3

In the area of water Resources several questions remain unresolved.

142-4

See Response to Comment 48-16.

2-285

142-4

These are more easily explained in a letter ~~to~~ Dated Dec. 7 1988 to Mr. Dave Shoe maker Moly Corp inc. Re: Discharge Plan (OP-577) Guadalupe Tailings disposal. ~~A copy of said letter is attached.~~ From E.I.D.

A copy of said letter is attached matters of particular interest have been underlined.

4th page

Having Read Statement covering Topography
Geology and Visual Resources and being
a native of the area and very familiar
with ~~it~~ said area I was left with a
feeling of having been deceived; none
the less the visual aspects are not
as important to me as the matter
of air and water quality.

I urge you, sir, not to make a
hasty ~~Decision~~ decision for the issues
of waste disposal are global and you
would not want your name remembered
for generations as the one responsible
for the view being dimmer, fish less
Vital, wild life less hardy or flora
less abundant.

Mr: Antonio J. Trujillo
P.O. Box 828
Questa New Mexico
57556

TO: MR. ROBERT DALE

BUREAU OF LAND MANAGEMENT
ALBUQUERQUE DISTRICT OFFICE
435 MONTANO N.E. ALBQ. NM 87107

SIR:

B.L.M.'S STEWARDSHIP OF PUBLIC LANDS AT THE GUADALUPE MTS. AND THE BORDERING WILD & SCENIC RIVER PARK AND CORRIDOR APPEARS TO PRESENT OBVIOUS CONFLICTS. B.L.M.'S DUTY TO MANAGE THE WILD & SCENIC RIVER AND ABIDE BY THE (W'S RIVER ACT 1968) IS AT ODDS WITH APPROVAL OF UNOCALS CLAIM FOR PUBLIC LANDS UNDER THE ANTIQUATED 1872 MINING LAWS AND SUBSEQUENT PLAN OF OPERATION PLEASE CLARIFY MY SPECIFIC CONCERNS AND QUESTIONS ON THE VISUAL IMPACTS DESCRIBED IN THE E.I.S. THAT CONFLICT WITH THE LETTER AND SPIRIT OF THE (W'S. RIVER ACT 1968)

THE DISPOSAL SITE AREA IS BORDERED ON (2) TWO SIDES BY A.C.E.C. (AREA OF CRITICAL ENVIRONMENTAL CONCERN) AND ON A THIRD SIDE BY THE RECREATION PARK AND THE WILD & SCENIC RIVER CORRIDOR. THERE ARE OTHER VALUES SUBJECT TO ADVERSE IMPACT AND SHOULD SIMILARLY BE ADDRESSED.

THE (W'S. RIVER ACT 1968) FOCUSES ON THE PROTECTION OF THE RIO GRANDE AND THE FED RIVER AND THE VALUES FOR WHICH THEY WERE ESTABLISHED. THE B.L.M., A PUBLIC MANAGING AGENCY IS OBLIGATED TO MANAGE THE DESIGNATED COMPONENT IN A MANNER THAT DOES NOT INTERFERE WITH PUBLIC USE AND ENJOYMENT OF THESE VALUES (SEC 10(41)) AND SURROUNDING PUBLIC LANDS (SEC. 12 (41)) IN A MANNER NOT CONTRARY TO THE PURPOSES OF THIS ACT" AND IN COOPERATION WITH THE APPROPRIATE STATE WATER POLLUTION CONTROL AGENCY'S FOR THE PURPOSE. THE ACT PROHIBITS ANY FEDERAL AGENCY OR DEPARTMENT FROM AUTHORIZING ANY WATER RESOURCES PROJECT

03/04/89

MAR 10 1989 RONALD GARDNER

P.O. 1008 QUESTA N.M. 87556

(2)

(INCLUDING THE PROPOSED GUADALUPE TAILINGS PROJECT) THAT WOULD HAVE DIRECT AND ADVERSE EFFECTS ON THE VALUES FOR WHICH SUCH A RIVER WAS ESTABLISHED (SECTION 7(A)) AND PROVIDES THAT REGULATIONS ISSUED SHALL AMONG OTHER THINGS PROVIDE SAFEGUARDS AGAINST POLLUTION OF THE RIVERS INVOLVED AND UNNECESSARY IMPAIRMENT OF THE SCENERY WITHIN THE AREA DESIGNATED FOR POTENTIAL ADDITIONS TO OR ACTUAL COMPONENT OF THE NATIONAL (U.S. RIVER ACT 68)

CONTRARY TO THE GOALS AND LETTER OF THE LAW THE VISUAL IMPACTS PROJECTED BY THE DRAFT E.I.S. ON PG. 2-33 THE E.I.S. IDENTIFIES THE DARK AND THE WEST FACE OF THE GUADALUPE MTS. AS V.R.M. CLASS II AREAS, THE OBJECTIVE BEING TO RETAIN THE EXISTING CHARACTER OF THE LANDSCAPE. THE LEVEL OF CHANGE TO THE CHARACTERISTIC LANDSCAPE SHOULD BE LOW. MANAGEMENT ACTIVITIES MAY BE SEEN BUT SHOULD NOT ATTRACT ATTENTION OF THE CASUAL OBSERVER. THE PROJECT PROPOSES A DOMINATING WALL IN THE SADDLE OF THE GUADALUPE MTS, THE DIMENSIONS BEING 400 FT. HIGH BY 1/2 MI. LONG. TABLE 3-4 PG. 3-31 STATES THAT COLOR AND SHAPE TOGETHER WOULD DEMAND THE ATTENTION OF EVEN THE CASUAL OBSERVERS FORCING THEM TO NOTICE THE DAM AS A MANMADE INTRUSION IN A PREDOMINANTLY NATURAL LANDSCAPE. THIS WOULD CONFLICT WITH CLASS II OBJECTIVES.

CITING B.L.M.'S 1981 A.C.E.C. ENVIRONMENTAL ASSESSMENT, "THE GUADALUPE MOUNTAIN IS A HIGHLY DESIRABLE RECREATIONAL RESOURCE NOT ONLY DUE TO ITS NATURAL (~~RECREATION~~) AND SCENIC VALUES BUT BECAUSE IT IS DIRECTLY ADJACENT TO THE RIO GRANDE WILD RIVER AREA. HOWEVER UNTIL OFFICIAL INCLUSION OF THE GUADALUPE MTS. AS PART OF THE WILD RIVER RECREATION AREA TAKES PLACE DESIGNATION OF THE MOUNTAINS AS AN A.C.E.C. IS REQUIRED AND NECESSARY TO PROTECT THE AREA AND PREVENT ANY IRREPARABLE DAMAGE TO ITS SCENIC VALUES, WILDLIFE RESOURCES AND NATURAL ENVIRONMENT THE N.L.F.P. ALSO RECOMMENDS PROHIBITING WOODCUTTING, MINERAL

3

ENTRY AND DEVELOPMENT AND OTHER PROTECTIVE MEASURES FOR THE MOUNTAIN. THE DESIGNATION OF A.C.E.C. WAS AUTHORIZED BY THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976. THE ALTERNATIVE OF "NO ACTION" WOULD LEAVE GUADALUPE MOUNTAINS OPEN TO UNLIMITED O.R.V. USE WOODCUTTING, MINERAL ENTRY AND ENVIRONMENTAL DEGRADATION WITH "NO RECOURSE AVAILABLE. THE RATIONALE OFFERED AGAINST "NO ACTION" WAS ELIMINATION OF MINERAL LEASING AND DEVELOPMENT WOULD PRESERVE THE NATURAL AND SCENIC QUALITIES OF THE GUADALUPE MOUNTAIN. CLOSE PROXIMITY TO THE RIO GRANDE WILD RIVER RECREATION AREA WARRANTS PROTECTION OF THIS ADJACENT MOUNTAIN AREA FROM FURTHER VISUAL AND SURFACE DISTURBING ACTIVITIES."

My QUESTIONS ARE THE FOLLOWING:

- 1) IS IT POSSIBLE FOR B.L.M. TO CHALLENGE ITSELF TO ADHERE TO ITS LEGAL RESPONSIBILITY TO THE (W.F.S. RIVER ACT 1968) ? WHO IS B.L.M.'S REGULATORY AGENCY AND THE APPROPRIATE SUPERVISOR ?
- 2) WHY WAS THE SITE AREA SPECIFICALLY ELIMINATED FROM THE A.C.E.C. ? IS THIS COMPATIBLE WITH B.L.M.'S LEGAL OBLIGATIONS TO THE (W.F.S. RIVER ACT 1968) AND THE (LAND POLICY AND NIGT. ACT 1976) ? CAN YOU ADDRESS THE APPEARANCE OF SPECIAL INTEREST AFFORDED THE UNOCAL CORP. BY GIVING PRIORITY TO THE OUTDATED 1872 MINING ACT ?
- 3) CAN THE B.L.M. EFFECTIVELY MANAGE SUCH SPECIAL PUBLIC LANDS AND TRUSTS ?
- 4) CAN THE B.L.M. EFFECTIVELY AND IMPARTIALLY MEDIATE THIS PLAN OF OPERATION WITH SUCH A CONFLICT OF INTEREST BETWEEN (W.F.S. RIVER ACT 1968) ~~AND~~ (LAND POLICY AND NIGT. ACT 1976) AND THE OBSOLETE AND EXPLOITIVE 1872 MINING ACT.

143-1

BLM is an agency of the U.S. Department of the Interior. The Assistant Secretary of Lands and Water would be the Interior official over BLM.

Please see the Responses to Comments 28-1 and 40-4. Also, the precedence of the 1872 Mining Act over portions of NEPA is a matter of law and is not an indication of favoritism in implementation.

Letter 144

Response to Letter 144

10

3/6/89

MAR 10 P 4: 16

Mr. Robert T. Dale

From: Drue A. Bralove

Bureau of Land Management

Albuquerque District Office

435 Montana N.E.

Albuquerque, NM 87107

Dear Sir,

Regarding MolyCorp's proposed tailings facility at Guadalupe, I would like to address water quality issues, the adequacy of studies performed thus far to analyze potential impacts to surface and ground water, and the conclusions drawn in the draft EIS (DEIS) regarding these impacts.

MolyCorp has a long history of tailings spills into the Red River from defective pipelines carrying slurry to the tailings ponds. As far back as 1966, grave concern has been expressed by private citizens and public agencies regarding the pollution of the Red River and the subsequent death of trout, insect and macrobiotic populations.

2

Breaches resulting in tailings spilling into the Red River caused the U.S. E.P.A., the State E.I.D. and other interested parties to enter into a stipulated agreement with MolyCorp in 1977. Due to continuing tailings line breaches over the next 2½ years, a stronger court approved document, a judgement of consent, was negotiated in 1981. There were at least 46 documented spills between 6/75 and 1/81 - half of which directly entered the Red River.

This shows a history of MolyCorp's inability to control slurry spills, raising some question as to the company's ability to comply with even the general water quality standards as outlined in the State of New Mexico Water Quality Control Commission Water Quality Standards for Interstate and Intrastate Streams in New Mexico. More specifically, these spills are in conflict with the Antidegradation Policy and the specific designated uses for the Rio Grande and both the upper and lower sections of the Red River - which include domestic water supply, high quality cold water fishery, fish culture, livestock and wildlife watering, and secondary contact recreation.

In all fairness, MolyCorp - under increasing pressure to comply with standards - did replace some of its defective pipeline. However, rather than attempt wholeheartedly to comply with

existing standards, MolyCorp litigated to increase them in 1977.

Despite the long history of tailings spills, little if any mention is made in the DEIS of tailings pipelines, except to request 3.5 additional miles of them. There is no inclusion of tailings pipeline spills in any of the water resources impacts (see Table 1, Summary of Impacts; see Section 3.15, p. 3-41, "Required Mitigation and Monitoring Measures" - Water Resources; see Section 3.18, p. 3-46, "Long-Term Versus Short-Term Uses of the Environment" - Water Resources, in which even significant short-term impacts to water resources are denied. No mention is made in the DEIS of cleanup procedures to prevent tailings spill contamination of surface water, soils or groundwater.

As concluded in Gayle Manges letter dated 7/25/83, from the Office of the Solicitor, Field Office, Southwest Region to the Associate State Director, BLM, Santa Fe, "the level of protection that must be accorded the Rio Grande and the Red River [under the Wild and Scenic Rivers Act] is the prohibition against direct and adverse effect on the values for which the rivers were established as Wild and Scenic." Ms. Manges further defined these values that must be possessed by rivers in order to qualify as Wild and Scenic: "[they must] possess Outstandingly

4

remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values... The legislative history of the Act, which established portions of the Rio Grande and Red River as instream rivers, notes their outstanding recreational potential and populations of brown and rainbow trout. Hence, "the conclusion," the Bureau may not approve Hollycorp's plan of operations if the seepage of contaminants into the rivers will have a direct and adverse effect on these values."

It is well known to anyone who fishes the Red River that portions of its bed have been cemented over with tailings sediment that has eroded down into the river only to settle out of solution onto the river bed. The combination of the mine closure and heavy spring runoff the past few years has helped to scour away some of this cement - that had killed the life upon which trout populations fed - and the river is starting to recover. Renewal of mine operations, and the virtually inevitable tailings spills, would reverse this recovery process and threaten once again the river's ecosystem and inhabitants.

My questions regarding surface water quality are:

144-1 | 1) What technologies will be employed by Hollycorp to prevent

144-1 See Response to Comment 63-2.

Letter 144 Continued

Response to Letter 144 Continued

5

144-1
Cont.

the quantity and frequency of spills that have occurred throughout its 20 year operational history?

144-2

2) How does Hocolyorp propose to handle the inevitable spills, now not only along the banks of the Red River but along the slope of the Guadalupe Mountains?

144-3

3) What are the potential effects to surface water, groundwater and surrounding soils of tailings spills and what mitigating measures will be taken?

144-4

4) Can Hocolyorp consistently comply with the standards for high quality and water fishery turbidity given its repeated historical violations of federal NPDES permits? What about compliance with conductivity standards of the Red River and Rio Grande?

144-5

5) Does the 1981 study by John Andreasen at the Victoria Field Research Station, which investigated the accumulation of metal contaminants in fish of the Red River and which concluded that "even though the concentrations of cadmium, copper, moly and zinc in the water are low, salmonid fish in the Red River are bioaccumulating these metals considerably, especially in liver tissue" - indicate a conflict of interest between maintaining an already

144-2

See Responses to Comments 63-2 and 113-7.

144-3

See Response to Comment 63-2. A spill along the proposed extension to the tailings pipeline would not affect surface or groundwaters.

144-4

Discharge into the Red River from the proposed tailing pond would be regulated under an NPDES permit issued by the Environmental Protection Agency. Violation of the standards set in the permit, should they occur will be handled by the appropriate authorities at the time of occurrence.

144-5

See Response to Comment 56-2.

Letter 144 Continued

Response to Letter 144 Continued

6

144-5
Cont.

designated high quality cold water fishery and approving Holycorp's current discharge plan? How does Holycorp account for this bioaccumulation & metals in the trout population? Little attention is paid in the DEIS of the mining operation's effect on local trout populations - one of the reasons for which the Red River and Rio Grande were declared wild and scenic. What about the cementing effect of the sedimented tailings?

6) No accounting is made for surface water contamination resulting from the settling of airborne tailings from the disposal facility onto surrounding bodies of water, or for that matter onto surrounding soils.

144-6

I will not reiterate the reservations expressed by the EID of New Mexico in the letter from Cynthia Ardito dated 12/7/88, to Dave Shoemaker of Holycorp, except to quote the following:

"Recent field studies by Darnes and Moore have failed to provide conclusive data to support Holycorp's contention that groundwater quality will not be impacted as a result of tailings disposal activities at Guadalupe Mountain... It is EID's opinion that seepage mitigation and control are of paramount importance at the Guadalupe site..."

144-6 See Response to Comment 85-9.

7

Guadalupe Mountain is a volcanic cone and presently available data indicate high permeability and rapid movement of groundwater through the basalt under and around it. Holycorp studies show, and the DEIS states, that the groundwater flowing beneath the Guadalupe side ^① is the water source for municipal wells, the Wild and Scenic River Visitors' Center and water facilities throughout the park, ^② feeds Big and Little Aransas Springs, and ^③ contribute substantially to the flow of both the Red River and Rio Grande Wild and Scenic Rivers. The BLM and all state and federal controlling agencies are required, by the Wild and Scenic Rivers Act, to protect the values - including, one might presume, water quality - for which these rivers were designated wild and scenic.

For this reason, and because the DEIS was unsatisfying in its address of groundwater impacts and mitigation measures, I would like the final EIS to address in detail all issues and questions raised by Ms. Ardito in the above mentioned correspondence to Mr. Shoemaker, especially issues involving 1) appropriate mixing depth, 2) estimated hydraulic conductivity, 3) hydraulic gradient, 4) regional water balance, 5) seepage control through pond management, 6) water-balance calculations, 7) tailings' ability to seal themselves, 8) data

144-7

Please refer to Response to Comment 48-16 for a detailed discussion of such issue raised in Ms. C. Ardito's letter to D. Shoemaker of December 7, 1988. Issues discussed include: mixing depth, hydraulic conductivity, hydraulic gradient, regional water balance, and water quality.

144-7

supporting the absence of seepage through the base of an impervium, 9) use of synthetic liners in any aspect of operations as a mechanism for seepage control, 10) use of a compacted clay liner as a means of seepage control, 11) the problem of spray irrigating to control dust adding to the problem of seepage and alternative dust management procedures, 12) centerline method of tailings dam construction, 13) higher permeability and seepage around sand embankments or beaches, 14) retention dam design and associated management practices, 15) cycloning tailings to ensure maximum slime coverage, 16) lateral drains for monitoring, and 17) minimizing the area of the clarification pond.

My specific questions regarding groundwater are:

- 1) With the revised mixing depth, what would the real health threat of lead, manganese and molybdenum poisoning be over the life of the project and beyond?
- 2) What appropriate management and technology will Hayscorp employ to reduce seepage rates to negligible quantities?
- 3) In what capacity if any will Hayscorp use synthetic and/or clay liners to control seepage?

144-8

144-9

144-10

144-8

Current data support a conclusion that lead, manganese, and molybdenum would not survive travel through the very thick unsaturated zone except in negligible (10^{-6} parts per million) concentration. Therefore, the only constituent of concern in a "mixing depth" discussion are sulfates and total dissolved solids (TDS). Studies completed since publication of the Draft EIS show that TDS and sulfates would be more than adequately diluted to below water quality standards in the Guadalupe Mountain vicinity. A mixing-zone model developed by Harding Lawson Associates shows that depth of vertical migration of constituents that do reach the saturated zone would be 250 feet or greater. For additional discussion on the mixing model see the Responses to Comments 48-16 and 144-15.

144-9

Please see Responses to Comments 1-2, 27-2, 62-3, and 63-5 for a discussion of seepage at the proposed tailings disposal facility.

144-10

Please see Responses to Comments 62-3 and 63-5 for a discussion of why synthetic pond liners would not be necessary. As noted on page 1-10 of the Draft EIS, the upstream faces of the dams would be lined with an impervious membrane to inhibit water flow through the dam.

144-11	4) How does MolyCorp propose to solve the dilemma that dry tailings create air pollution and wet tailings exacerbate seepage problems?	144-11	Please refer to Response to Comment 75-5 for a discussion of wetting tailings and seepage control. For a discussion of the potential for airborne tailings to affect surface water, please see Response to Comment 85-9. For a discussion on seepage, please see Responses to Comments 1-2, 27-2, 62-3, and 63-5.
144-12	5) The lower portion of the Red River has maintained its water quality over the last 20 years largely because of the influx of clean spring water below the hatchery. Has would the greater possibility of contamination below these sites affect the delicate balance that currently exists?	144-12	All available data suggest there would be little if any hydraulic connection from groundwater flowing under the proposed tailings pond and the Red River springs. Therefore, there should be no increased potential for contamination of the Red River springs because of seepage from the proposed pond.
144-13	6) Can MolyCorp account for airborne tailings deposited on surrounding soils or surface water, contaminants thus available for seepage to the water table or to transport via erosion and run-off?	144-13	See Response to Comment 85-9.
144-14	7) What procedures will MolyCorp implement to comply with monitoring requirements as outlined in the WQCC Regulations and with EID requirements?	144-14	MolyCorp will comply with all necessary regulatory requirements, see Section 1.5, page 1-17 of the Draft EIS. See also Response to Comment 1-2.
144-15	8) Since the soils underlying the tailings will become saturated during the life of the project using any model, and contaminants will therefore become available to the groundwater more readily, how will MolyCorp account for the immeasurable waste available to seepage processes over time once the site is reclaimed as proposed by covering it with topsoil? What long-term health risks does this pose?	144-15	The Dames & Moore study modeled buildup and decay of peak concentrations of metals of concern. The total amount of constituents entering the thick unsaturated zone was modeled for an 80-year period. Peak concentrations declined to low levels beginning at approximately 40 years after pond startup. The predicted concentrations were found to be sensitive to variations in properties of the unsaturated zone plus the pond seepage rate. Thus, conservative values were used. In all cases studies, predicted peak concentrations, through time, of metals of concern were found to be negligibly (10 ⁻⁶ parts per million) above background levels. The cumulative impact at the water table would be within the New Mexico Groundwater Quality Standards.

Letter 145

Response to Letter 145

213 21:41

Aaron Enrique Rael
P.O. Box 107
Questa, N.M. 87556
March 8, 1989

Robert T. Dale
Bureau of Land Management
Albuquerque District Office
435 Montana N.E.
Albuquerque, N.M. 87107

Dear Mr. Dale:

Regarding the MolyCorp Guadalupe Mountain Tailings Disposal Facility's Environmental Impact Statement (EIS), there are some issues I would like to raise in regard to the Molybdenum market and the unnecessary use of Federal land.

The New Mexico Energy and Minerals Department's Annual Resources Report (1986), mentions the "bleak market situation" in the U.S. (page 103). It also states "... the annual molybdenum production in the state may decline to historic low levels in 1986-87, and remain there for the rest of the decade." (page 105). In a phone conversation with Mr. John W. Blossom of the U.S. Bureau of Mines' Mineral Industry Surveys, he indicated that the price of molybdenum is at a all time low of approximately \$2.70 a pound. This is about .10 cents less then when MolyCorp ceased operation at the Questa Division. Therefore, the poor market conditions indicate that the tailings site will not be used for a number of years. If prices are going to remain low for a decade or longer; why is the decision to give the Cerro de Guadalupe to MolyCorp necessary now?

145-1

145-1 See Response to Comment 2-2.

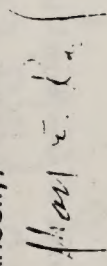
145-1
Cont.

In the EIS there is no explanation of what are the conditions that will govern whether Molycorp Mine can come into operation and if it does for how long will it be able to operate under the current market conditions. Therefore, these questions need to be analyzed in the final EIS:

1. What are the market conditions that will indicate the prospect for the recovery of the price of molybdenum for Molycorp Mine to operate?
2. What are the long-term price trends for molybdenum?
3. How much of the future molybdenum demand will be met by moly production as a by-product of copper mining.
4. How much of the future demand will be met by recycling of used moly metals?
5. Will these two forms of supply make it more difficult for a molybdenum-only mine like Molycorp's to reopen soon and remain open?

Only if we are certain that Molycorp can operate a mining, milling, and tailings operation in a competitive market for the remainder of its ore body; will the Guadalupe site will not be an unnecessary degradation of public land.

Sincerely,



Aaron Enrique Rael

March 9, 1989

Robert T. Dale
BLM
435 Montano N.E.
Albuquerque, New Mexico 87107

Dear Mr. Dale

Greetings. I hope to find you with an open mind digesting much information on the proposed Guadalupe site.

My name is Marcus Rael, I am an elected member of the Questa Village Council and have served since 1982.

I have been very involved and concerned with the current tailings disposal dam and am concerned about the application for the use of the Guadalupe Mountains as an alternate disposal site. The areas of major concern to me which are NOT presently addressed in the draft EIS are:

1. I have yet to see an alternate site study supposedly done by Molycorp.
2. The tremendous amount of water to be used by Molycorp.
3. The uncontrolled dust emission at the current site.
4. The long term effect on the Rio Grande thru seepage.

To touch on each of these concerns, I will try to be as brief as possible because you probably already have much reading to do.

Firstly, I have not seen the alternate site study, have you? Dave Showemaker, Molycorp manager, and Leroy Apodaca both promised to give me a copy yet I have not seen it. If this study has been done, it ~~was~~ should be a part of the EIS. It would answer many questions as yet not responded to. In particular, I would like to review the study on the open pit. This seems to me the most viable alternative.

The second question I have deals with the tremendous amount of water diverted by Molycorp 6250 ft. per acre annually. This is more than 25% of the entire annual flow of the Red River. My concern here is that this great amount of water will have to go somewhere and I'm afraid it will pollute the Red River and the Rio Grande.

My Third concern is that of the blowing dust, as we already know there are many dangerous chemicals present in the tailings. This has been an issue in our community for many years. There have been several violations of state and federal standards in this time. The locations of the Guadalupe Mountains with their higher westerly winds would scatter the suspended particulate further and endanger wildlife and the health of people over a much larger area than before.

I urge you to please look at these items seriously before you make a ruling on the Guadalupe Mountains.

Thank you,

Marcus J. Rael

Marcus J. Rael, Councillor

146-1

146-2

146-3

See Section 1.4, Consideration of Alternatives, and Responses to Comments 21-1 and 139-2.

The amount of water that would be diverted from the Red River would be the same as during historic operation of Molycorp's mine (approximately 5 cfs). Please see Response to Comment 66-1.

These issues were analyzed by the emission and dispersion models, with predicted maximum exposures to dust and metals reported in Tables 3-3 and 3-11 in the Draft EIS. Toxicity of tailings is addressed in Response to Comment 17-4.

March 13, 1989

MR 13 P12:06

Mr. Robert T. Dale
District Manager

BGM
435 Montano NE
Albuquerque, NM 87107

Dear Mr. Dale:

I am writing as a concerned citizen of New Mexico regarding the Molycorp mine of Questa, New Mexico.

I believe it most important to our economy—and the Northern New Mexico economy in particular—that the Molycorp "Plan of Operations" be approved as quickly as possible.

To the best of my knowledge the "Plan" meets the environmental concerns as best as can be expected for an operation of this magnitude.

Sincerely,
Mel Breitenberg
2908 Woodwind Dr. NE
Albuquerque, NM 87110

Letter 147

Thank you for your letter.

Paul G. Drake
621-A Adams NE
Albuquerque, New Mexico, 87110
March 7, 1989

Mr. Robert T. Dale
Bureau of Land Management
Albuquerque Office
435 Montano NE
Albuquerque, New Mexico, 87107

Dear Mr. Dale:

I have read the draft Environmental Impact Statement for the MolyCorp Guadalupe Mountain Tailings Facility, dated December, 1988. I have several concerns about this report, including: 1) the seismic hazard of the site, 2) the location of the tailings pond on fractured basalt, and 3) the visual impact of the 400 ft. dam face located within 2-3 miles of the Rio Grande wild and scenic river and recreation area. The following comments detail these concerns.

The seismic hazard of the region should be considered in terms of the stability of the retaining dams. Several researchers have demonstrated that there are many young (<10,000 year old) fault scarps indicating recent tectonic activity in the vicinity of the proposed tailings facility (within the Taos plateau volcanic field) (Machette, M.N. and Personius, 1984; Menges, 1988). The Red River fault zone, which intersects the southern part of Guadalupe Mountain, has been active during the latest Pleistocene or Holocene. A large earthquake in this region could cause the retaining dam to fail catastrophically, thereby releasing the tailings into the nearby Rio Grande.

The location of the tailings pond on fractured volcanic rocks suggests that movement of water and tailings seepage below the tailings pond would be dominated by fracture flow. Fractures typically occur in vertically oriented conjugate sets resulting in high vertical conductivity and permeability. The permeability of 10^{-4} to 10^{-5} cm/s cited in the report appears unreasonably low. The method for arriving at this value should be reported.

Other technical inconsistencies in the report include calculations of the thickness of the aquifer underlying the tailings pond, and attenuation of the tailings seepage in fractured dacite, andesite, and basalt. While the seismic hazard and possible rapid downward movement of tailings seepage and attendant pollution of an aquifer connected with the Rio Grande are my major concerns, the negative visual impact of this project is a further concern. The western retaining dam lies less than 2 miles from the Grande Recreation Area, and would dominate the view toward the east from the area around Sheep Crossing

- 148-1 See Response to Comment 64-5.
- 148-2 Values of hydraulic conductivity of 10^{-6} to 10^{-4} cm/s are in the low range for fractured volcanic rocks. On page 3-10, there is also a discussion of an apparent hydraulic conductivity of 0.85 cm/s, which may be more representative.
- Flow of fluids is assumed to occur within fractures and along rock-flow boundaries and within interflow zones. The average case modeled for fluid flow within the unsaturated zone was a vertical hydraulic conductivity at 10 percent of horizontal values.
- Values of hydraulic conductivity were estimated based on data obtained by Stephenson and Freeze (1974) using moisture content/pressure head relationships and the modified Burdine Theory. (Burdine 1953; Jeppson 1970). For further discussion please refer to Dames & Moore (1987).
- 148-3 It is not known what "technical inconsistencies" are referred to relative to aquifer thickness of attenuation of seepage in the volcanic rocks. Attenuation studies were made that included laboratory analysis of seepage of actual leachate through samples of volcanic rocks obtained from cores. Studies conducted since the Draft EIS was published address the issue of aquifer thickness. Please refer to Response to Comment 48-16.
- 148-4 The Draft EIS indicates the view from the Sheep Crossing Campground would be significantly affected.
- Please refer to the Responses to Comments 28-1 and 113-11 for discussion of Wild and Scenic River designation.

Letter 148 Continued

Response to Letter 148 Continued

148-4
Cont.

Campground. Construction of the retaining dam would also appear to be incompatible with the goal of maintaining a "Wild and Scenic River" along this stretch of the Rio Grande.

I would like to thank the BLM for the opportunity to comment on the Guadalupe Mountain draft Environmental Impact Statement. I hope that the concerns I have outlined above will be taken into consideration in the final Environmental Impact Statement.

Sincerely,

Paul G. Drake
Paul G. Drake

BUREAU OF LAND MANAGEMENT
TAOS DISTRICT OFFICE
ALBUQUERQUE, NEW MEXICO

AMIGOS BRAVOS
P.O. Box 1178
Taos, NM 87571
28 February 1989
TAOS RECREATION AREA

MAR 9 1989

Mr. Robert T. Dale
Bureau of Land Management
Albuquerque District Office
435 Montana N.E.
Albuquerque, New Mexico 87107

AREA MANAGER 3/13
LANDS/MINERALS
MULTIPLE RESOURCES
RECREATION
ADMINISTRATION

Dear Mr. Dale:

This letter is to inform you of our concerns, questions and comments having to do with MolyCorp's proposed tailings facility in the Guadalupe Mountains.

We have taken a great interest in this issue as, to quote from our articles of incorporation, "the primary purpose of this corporation will be to initiate, carry out, and support activities that protect and promote the federally designated Rio Grande Wild and Scenic River. In cooperation with federal and state agencies, the corporation will provide volunteer assistance to further the goals for which the National Wild and Scenic Rivers were established..." We are concerned that the proposed project may be in conflict with these goals and may result in undue and unnecessary degradation.

With all that in mind, here are our comments and questions:

1. At present MolyCorp owns plenty of land to deal with its long range tailings disposal needs. The Guadalupe site is NOT necessary for their operation. Does giving MolyCorp public land for waste disposal when they already own land for that purpose constitute unnecessary and undue degradation?
2. The Guadalupe Mountain site is surrounded by an Area of Critical Environmental Concern. When, why and how was the site withdrawn from ACEC classification?
3. Guadalupe Mountain in its natural state is a critical resource for the Wild Rivers Recreation Area, the scenic and wild qualities of the Rio Grande, wildlife habitat, and as a spiritual retreat. What is the criteria used to determine whether the impact on this resource is necessary?
4. The proposed tailings pond has been determined to be a water resources project. If the federally protected values of the Rio Grande are adversely effected by this water resource project is this project then in conflict with the Wild and Scenic Rivers Act? Please direct your solicitor to provide an opinion on this question and the one that follows:
5. The Draft EIS identifies two adverse impacts that exceed established standards (air quality and visual resources) and further states that these are unavoidable. Does that make the proposed project illegal?

- | | |
|-------|--|
| 149-1 | The 3809 regulations do not require a determination of operator-owned land. Also, unnecessary and undue degradation is not determined by land ownership. See Section 1.4 for a definition of unnecessary and undue degradation (43 CFR 3809.0-5(k)). |
| 149-2 | See Response to Comment 40-4. |
| 149-3 | Please refer to Responses to Comments 28-1, 113-11, and 128-2. See Section 1.4 for a definition of unnecessary and undue degradation (43 CFR 3809.0-5(k)). |
| 149-4 | See Response to Comment 28-1. No exceedances of state water quality standards are predicted to occur. |
| 149-5 | The BLM's Visual Resource Management (VRM) system provides guidelines for management of the visual environment in response to the statutory mandate requiring protection of scenic values on public lands (Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 et. seq.). Exceeding the standards of the VRM class objectives does not make the project "illegal." It does provide notice to decision makers of a potential problem they must consider in weighing the relative merits of the proposed project.

Response to Comment 48-6 addresses potential exceedances of state and federal air quality standards. |

Letter 149 Continued

Response to Letter 149 Continued

149-6	6. We strongly recommend that the Final EIS address the whole issue of alternatives. We feel that the EIS process is incomplete unless alternatives (including the "no action alternative") are looked at.	149-6	See Section 1.4, Consideration of Alternatives, and Response to Comment 21-1.
149-7	7. The data on windblown dust is not site specific. The conclusions reached through modeling have a large margin of error. More data needs to be collected from numerous sites on the mountain in order to determine the effects of surrounding topography on wind currents.	149-7	The effects of topography on the air quality analysis are included in Response to Comment 20-1.
149-8	8. On page 3-27 under recreation the EIS states that "the proposed action is consistent and compatible with the Taos Resource Management Plan." We question that it is. The Taos RMP states on page 2-49: "The (Guadalupe) ACEC was designated to protect important scenic, cultural and wildlife values." Does this preclude compatibility with the proposed project? Please explain the justification for stating that it is compatible.	149-8	See Response to Comment 140-7.
149-9	9. The sections dealing with socioeconomic impacts are missing important 1988 data on the tourist industry of Northern New Mexico and visitor days at the Wild Rivers Recreation Area. We would like to see a graph that shows the rate of increase of visitors to the Rio Grande. We would also like to see figures showing the contribution of tourism to the Taos County economy. How will the proposed project impact future growth potential for tourism and recreational development at the Wild Rivers Recreation area?	149-9	Please refer to the Responses to Comments 51-7 and 108-3.
149-10	10. The draft EIS does not address the impact of noise quality (natural versus unnatural) of this project on the Wild and Scenic River corridor. Does this not result in inadequate analysis of impacts considering the requirements of the Wild and Scenic Rivers Act?	149-10	The Draft EIS indicates that worst-case project-related noise during construction would be discernible but not significant at the nearest stopping points in the recreation area. During operations, project-related noise would be below ambient. Project-related noise would not be discernible in the canyon itself. Under such circumstances, the "quality" of noise would not be significant consideration.
149-11	11. The Draft EIS does not address the impact of the chemical surfactant or bonding agent used to control windblown dust. What is the chemical makeup of the surfactant? How often and in what quantities does it get used? What effect does it have on groundwater? How successful is it at controlling windblown dust under different wind conditions? What are the health effects of inhaling surfactant covered dust?	149-11	See Response to Comment 27-7.
149-12	12. Section 3-15 (pages 3-41 to 3-43) on required mitigation and monitoring measures lacks detail, especially the sections on air quality, water resources and wildlife. How will BLM enforce each of these measures? Will there be fines for noncompliance? What will they be and how will they be dealt with? Does BLM have the resources and the budgeting necessary to effectively monitor the mitigating measures?	149-12	Air quality compliance is addressed in Response to Comment 48-6. Surface water discharges would be monitored by the EPA under an NPDES permit; groundwater would be monitored by the New Mexico Environmental Improvement Division as part of the Groundwater Discharge Permit; and wildlife mitigation would be enforced by the BLM. See Response to Comment 40-5 regarding non-compliance, and Section 1.5 for final air, water, and wildlife mitigation measures.
149-13	13. How can there be a full analysis of the impacts of the proposed project when MolyCorp has not submitted detailed engineering of the tailings impoundment and associated facilities (pipeline, decant channel, etc.) (page 3-41)?	149-13	See Response to Comment 75-1.
149-14	14. Can the permit for the Plan of Operations require that MolyCorp not begin construction until specific requirements, such	149-14	The following is a part of the required mitigation from Section 1.5. The Guadalupe site would not be developed until it is needed. It will be developed incrementally and only on the increment to be developed immediately will habitat be disturbed.

as a demonstration that Molycorp is using up it's existing tailings storage capacity at a certain rate, have been met?

149-15

15. Can BLM request that Molycorp comply with mitigating and bonding beyond patenting as is required under 43 CRF 3809.6 regulations at the California Desert Conservation Area?

149-15 See Response to Comment 90-2.

149-16

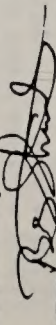
16. Please outline the procedures by which BLM makes its decision on the Plan of Operations. When does the decision get made, by whom, and how can the public participate in the process? When will the record of decision be made in relation to the release of the Final EIS?

Procedures by which BLM makes its decision includes the receipt of a proposal, an environmental analysis to determine if undue and unnecessary degradation will take place, and issuance of a decision. The decision will be made by the State Director following completion of the environmental process. The public has been involved in the scoping, in commenting on the Draft EIS in writing and/or vocally at the public hearings; and while it is not a formal comment period, the public can comment during the 30-day availability period following publication of the Final EIS. The Record of Decision (ROD) will be issued after the 30-day availability period by the State Director.

Our main concerns are that the Wild and Scenic Rivers Act not be compromised and that BLM have all the data necessary to make a sound decision on whether this project will result in unnecessary and undue degradation. For these reasons we have asked the Sierra Club Legal Defense Fund, and American Rivers to submit comments on this Draft EIS.

We greatly appreciate the opportunity to be of assistance to you on this issue and hope that you will call upon us for further input.

Sincerely,



Mary Humphrey, President
for the Board of Directors

Brian Shields, V-P
Ben Kuykendall, Secretary
Julia Bortz, Treasurer
John D'Anna
Ron Gardiner
Hank Saxe
Peggy Stevens

2.3 Public Hearing Comments and Responses

This section presents the comments that were received at the two public hearings held for the Draft EIS on January 20 and 21, 1989 in Questa and Taos, New Mexico, respectively. Complete copies of the hearing transcripts are presented. The individuals who presented their comments are listed at the beginning of each transcript. Formal responses have been prepared only for those comments or questions that address the accuracy and/or adequacy of the Draft EIS. However, the BLM has reviewed all statements, opinions, and concerns; these have been considered in the decision-making process.

The reader is reminded that this being an abbreviated Final EIS, it is necessary to use the Draft EIS in conjunction with the Final EIS in order to fully understand the analysis that was conducted for the proposed Guadalupe Mountain Tailings Disposal Facility.

DUPLICATE

PUBLIC HEARING

RE: MOLYCORP GUADALUPE MOUNTAIN TAILINGS DISPOSAL FACILITY
ENVIRONMENTAL IMPACT STATEMENT

Friday
January 20, 1989
Parish Hall, St. Anthony's
Questa, New Mexico

The hearing on the above-entitled matter was held
pursuant to notice at 7:42 p.m.

BEFORE:

H. JAMES FOX, Hearing Officer

APPEARANCES:

ROBERT SANZ, ENSR Project Manager
SOPHIE SAWYER, ENSR Assistant Project Manager
ENSR Consulting and Engineering
1716 Heath Parkway
Fort Collins, CO 80524

MICHELLE CHAVEZ, Area Manager
Bureau of Land Management

Public Hearings - Questa

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P R O C E E D I N G S

4

(7:42 p.m.)

HEARING OFFICER FOX: Can everyone hear me okay?

How about this? All right. I'd like to welcome you all to the Public Hearing on the Draft Environmental Impact Statement for the MolyCorp Guadalupe Mountain Tailings Disposal Facility Project.

I am calling the Public Hearing into session at this time. My name is Jim Fox; I'm the Las Cruces District Manager for the Bureau of Land Management and I'll preside over this hearing this evening.

As you've heard, the purpose of this hearing is to obtain your views and your testimony on this Draft Environmental Impact Statement, the adequacy of the analysis of the draft of the EIS and any other new data or information you feel should be included in the analysis. I want to re-emphasize that the testimony received at this hearing represents only part of the public comments that will be considered in a decision process. We will also consider all written or other public comments received by February 9, 1989, and we have established the following ground rules for the conduct of this hearing.

First, a testimony schedule has been prepared from the forms that you were asked to fill out when you entered the room. If you wish to testify and you have not

1 yet filled out this form, you may do so now, at the table
2 near the door. I will only call on those people who have
3 completed the form and you will be called to testify in the
4 order in which you registered. Please confine your
5 statements to your view on this environmental impact
6 statement, the adequacy of the analysis and any other new
7 data or information you feel should be included in the
8 analysis. Any other remarks are not relevant to this
9 hearing. When you're called upon to testify, please begin
10 your testimony by stating your name, your address and your
11 organization, if any, that you represent.

12 If you are reading from a written text, please
13 summarize the more relevant parts of your testimony orally
14 and submit the written part of your speech to the Court
15 Reporter. Your written testimony will be typed into the
16 record in the same manner as oral testimony and also copies
17 of your written testimony should include your name, address
18 and the organization, if any, that you represent. If you
19 have any other exhibits, please mention them in your oral
20 testimony, that you are including exhibits and then present
21 them to me and I will make sure they are made a part of the
22 public record as well.

23 Please hear me carefully on this. This hearing
24 format provides for one way testimony. The BLM personnel
25 here or the ENSR personnel will not be engaging in dialogue

6

1 with you or debating any point you raise with you. The
2 purpose of the panel here tonight is to listen to your
3 comments and if there is something you've said that is not
4 clear, to ask clarifying questions only. In other words, we
5 want to be positively sure that we understand clearly
6 exactly what the witness is presenting.

7 Our panel consists of Michelle Chavez from the
8 BLM, Robert Sanz, who is Project Manager from ENSR and
9 Sophie Sawyer, who is also a Project Manager from ENSR.
10 Alan Hoffmeister will be acting as the timekeeper. As I
11 said earlier, the BLM will accept public comments on this on
12 this Draft EIS through February 9, 1989.

13 I think I've covered the testimony. We will give
14 you a one minute warning, when four minutes of your time has
15 been used up. At that time I will ask you to summarize your
16 comments.

17 Now, are there any questions from anyone about
18 the ground rules for this hearing?

19 Yes.

20 A VOICE: Can we ask an oral question and then
21 submit a written question later or do they both have to be
22 submitted together; do we have to submit a written with our
23 oral question?

24 HEARING OFFICER FOX: It's not necessary to
25 submit a written testimony. You can do either one or both.

1 All right? Also, as we said earlier, there is a meeting
2 tomorrow in Taos -- what was that place again, Alan?

3 MR. HOFFMEISTER: The Ramada in Taos.

4 HEARING OFFICER FOX: At the Ramada Inn, we'll
5 begin at 10:00 o'clock.

6 There is one final thing I would like to say,
7 two, really. I'd like to thank the St. Anthony's Parish for
8 the use of this hall. We greatly appreciate it. I would
9 like anyone who comes up here to be very careful of the
10 cords on the floor; there's quite a tangle there and we
11 don't want anyone hurt. Also the steps outside are icy;
12 please be careful when you are leaving the building; we
13 don't want anyone hurt.

14 Is there any further question? All right. Our
15 first speaker tonight is Ron Gardiner. Mr. Gardiner, will
16 you please come forward and state your name, who you
17 represent and then your testimony.

18 MR. GARDINER: My name is Ron Gardiner and I
19 represent myself. I am a citizen of Questa. My address is
20 P.O. 1008 (sic), Questa, New Mexico.

21 This is pretty much the question I posed before.
22 I'll be brief. Why is the BLM proceeding to assess the
23 environmental impacts to propose action? This should not
24 even be considered because the 1872 mining Statutes, which
25 the company is making application under, and the subsequent

Q-1 See Responses to Comments 63-1 and 67-1.

1 patent of the lands, when the law specifies that the mining
2 use of public land cannot be considered unless the mine is
3 in actual operation as per the prudent Mann (phonetic)
4 theory as spelled out in the 1872 mining law. Application
5 for private use of public lands for mining purposes are not
6 valid unless the mine is operating and producing income and
7 it doesn't seem to me that the mine is operating at this
8 time. Thank you.

9 HEARING OFFICER FOX: All right, thank you, Mr.
10 Gardiner. Next speaker is Mary Harrison.

11 MS. HARRISON: My name is Mary Harrison. I
12 represent myself. My Postoffice box is 254, Questa. I am a
13 registered nurse who has lived and worked in the community
14 of Questa for eight years. This is my fifth year as the
15 Questa District School nurse. There are many aspects of
16 concern about the MolyCorp tailings impact on the community
17 of Questa, all of which are important, but health risks are
18 critical issues. My reason for being here is to ensure that
19 health risks associated with the tailings -- toxic emissions
20 are investigated on behalf of the children and residents of
21 this community. I have read the environmental impact
22 statement pertaining to the MolyCorp Guadalupe Mountain
23 Tailings Facility in view of a potential of health risks.

24 In reference to items three point four, titled "Health Risk
25 Assessment", I am concerned that this data is insufficient

Q-2

There is no question of the well-known toxic properties of lead here. The concern here is whether the proposed tailings impoundment would create a potential over-exposure to lead (or other substances). The statement is incorrect that the maximum predicted airborne lead exposure would be 6.7 percent of the Threshold Limit Value (TLV). The correct maximum exposure would be 6.7 percent of one-one thousandth of the TLV.

Please refer to Responses to Comments 27-6 and 73-3 concerning health studies.

1 in trying to assess the health risks of the tailings to this
2 community. This study does not reflect a thorough
3 investigation into health risks associated with chronic, low
4 level exposure to heavy metals, as shown to be present in
5 the tailings table 3-10 and 3-11 of the Environmental Impact
6 Statement.

7 Of particular concern here is the lead
8 concentration level of a hundred and eighty parts per
9 million present in the tailings. Studies shows that lead
10 accumulates in the brain, bone and liver. High lead levels
11 in the body have been associated with brain damage, taking
12 the form of development delays and learning disabilities in
13 young children. Too much lead can weaken T cells which are
14 crucial parts of our immune system and defense against
15 cancer. Early detection and treatment of lead poisoning is
16 crucial to insure the highest quality of life possible.

17 In specific reference to tables 3-10 and 3-11, I
18 find these same lead concentrations to be of concern because
19 we do not know what lead levels the people of this community
20 have. The mean use in these tables is from soils of the
21 Western United States and may not be indicative of New
22 Mexico soil lead concentrations. The miners of this
23 community and their family members have been exposed to
24 tailings dust on a fairly continual basis over a long period
25 of time. For example, dust on miner's clothing, breathing

1 air born contaminants and eating plants and domestic
2 livestock from the pathways of the tailings -- It is my
3 feeling that it is wrong to assume that by adding six point
4 six seven percent of the threshold limit value of lead from
5 tailings emissions to the members of this community does not
6 pose a health risk. You have failed to determine pre-
7 existing lead levels in the local population of your study.

8 MR. HOFFMEISTER: One minute, Mary. One minute.

9 MS. HARRISON: In looking at tables one, Summary
10 of Impacts, the health risks listed are limited to public
11 exposure to -- tailings dust. There is no mention of
12 exposure to the heavy metals as listed in your study. This
13 needs to be assessed and I think heavy metals needs to be
14 listed as a major health risk. Tables one dash three and
15 tables two four, do not have any listing of lead levels at
16 all. I feel it is the responsibility of Molycorp to respond
17 to the potential health risks in this community from the
18 toxic emissions of the tailings.

19 Sample and monitoring of serum lead levels of
20 this community is a recommended course of action. Studies
21 such as this can be performed by private laboratories and
22 interpreted by medical epidemiologists or through the State
23 Department of Health or the Center for Disease Control. It
24 is my request that these health issues be addressed and
25 current monitoring and health risk status be included and.

1 made available to the residents of this community.

2 HEARING OFFICER FOX: Ladies and gentlemen, I
3 would like to ask you to hold your applause until the end,
4 if you would, please. Cathy Hope, please.

5 MS. HOPE: My name is Cathy Hope. I live seven
6 miles north of Questa. My address is Postoffice box 160,
7 San Cristobal, New Mexico 87564.

8 In the Draft EIS, words like "mitigate and
9 attenuate" are used as if MolyCorp were magicians and they
10 could somehow make all the toxic metals and their tailings
11 disappear. I contend that the tailings are not benignly
12 inert but, instead, are entering our environment through the
13 air, water and food chain, with detrimental affects to our
14 own and our children's long term health.

15 In this handout that came out to night, there is
16 something on page twenty-three called, "What is Considered
17 Unnecessary Damage" and I quote "Failure to complete
18 reclamation of disturbed areas or to comply with applicable
19 environmental protection regulations are both considered
20 unnecessary damage".

21 On page twenty-four, what types of reclamation
22 might be necessary? Removal or isolation of toxic wastes
23 and revegetation where practical.

24 I would like to raise some issues where
25 unnecessary and undue degradation will occur if the proposed

12

1 tailings site is permitted that the Draft EIS does not
2 adequately address. The first is regarding distribution for
3 windborn tailings and toxic dust. On page two dash five in
4 the Draft EIS is the graph of wind effects from only one
5 monitoring site. The folks in Colorado who did this study
6 did not use a site specific model that took into account the
7 exact Guadalupe saddle topography. Because there was no
8 plotting of wind -- the study does not say with any
9 precision where the air born dust will go. Perhaps a good
10 deal of it will fall into the Rio Grande; thereby polluting
11 a wild and scenic river and the poisons in that dust will
12 enter the food chain through the fish.

13 Another issue is one of your own, discussed on
14 page 3-23 of the Draft EIS and I quote, "There is concern
15 for potential uptake of toxic elements from the tailings
16 material into vegetation and the terrestrial food web.
17 Toxic elements such as lead, selenium and Molybdenum would
18 be present.

19 Studies have been shown that vegetation grown on
20 Uranium tailings piles in New Mexico contains higher
21 concentrations of selenium, arsenic, lead and copper than
22 vegetation grown on adjacent range land. The uptake of
23 contaminants by vegetation and the consumption of this
24 vegetation by wildlife or livestock may be important within
25 the food chain. If the soil cover over the reclaimed

Q-3

Topography effects are included in Response to Comment 20-1.
Potential impacts to water quality due to air pollution are
addressed in Response to Comment 85-9.

Q-4

See Responses to Comments 20-2 and 39-1.

Q-3

Q-4

13

1 tailings piles is deep enough to prevent significant root
2 penetration into the tailings, no contamination uptake
3 should occur."

4 Molycorp proposes to put only one foot of topsoil
5 over the tailings as adequate cover, with no barrier, either
6 clay or synthetic, between the topsoil and the tailings. As
7 a former landscaper, I know that one foot of topsoil is
8 going to settle. The grasses and shrubs that presently grow
9 in the grassland area of the proposed site will most likely
10 be the type that will be reseeded as the plant cover to
11 reclaim the site. And if other species are used, the native
12 grasses and shrubs will move in. These include: blue grama
13 (phonetic) with roots up to twenty inches, western wheat
14 grass and Indian rice grass, whose root systems are one to
15 two feet deep; big sagebrush with root penetration of three
16 to six feet; rabbit brush with a root system of three and a
17 half to six feet and Broom snakeweed, whose roots go two to
18 five feet into the earth.

19 Obviously, given the root systems of these
20 drought resistant native species, one foot of topsoil is
21 totally inadequate and toxic metal uptake will occur. Also,
22 as your department mentioned on page three dash twenty four
23 and I quote, "Another concern is the contamination of small
24 animals or other animals burrowing into the tailings
25 material and, in turn, affecting other species" unquote.

Since the report states that you don't have data on this subject, then you have no basis and no right to assume that one foot of topsoil will be adequate to eliminate the problem. Therefore, we are faced with animals possibly burrowing into tailings as well as eating the seeds and foliage of plants whose root systems will reach the tailings.

What is to stop a bald eagle or -- falcon from eating these animals, perhaps to have the heavy metals reach toxic levels in their bodies? Indeed, what is to stop mule, deer or elk from grazing, perhaps to be shot by a hunter and then these toxic chemicals enter human bodies.

MR. HOFFMEISTER: One minute, Cathy.

MS. HOPE: And, finally, there is the issue of noise pollution in connection with blasting and coring. The citizens of Questa and -- as well as the campers and hikers visiting the wild and scenic river area will be hearing lots of noise and having to watch a lot of heavy equipment destroying a piece of mine during the entire coring and dam building process, which will be going on for years. Also the coring and dam building will leave permanent scars on the Guadalupe saddle and mountains. And if this land is patented, MolyCorp can begin their noisy destruction even if the mine never reopens or opens only for a short time. We feel that this constitutes unnecessary and undue

Q-5 Please refer to the Responses to Comments 20-2, 20-3, 20-4, 39-1, 67-4, and 140-8; also refer to Section 1.5 for final mitigation.

Q-4
Cont.

Q-5

Q-5
Cont.

1 environmental degradation. The questions are obvious; will
2 there be a site specific model developed and monitored for
3 air flow in the Guadalupe saddle? How can Molycorp claim
4 that no contamination uptake will occur if only one foot of
5 topsoil is used to reclaim the tailings dumped when anything
6 they plant will eventually reach the tailings and begin to
7 take up Selenium, Cadmium, lead and other toxic chemicals
8 which will then enter the food chain. How can this
9 contamination of water, soil, plants, animals and humans not
10 be seen as unnecessary and undue degradation? Thank you.

HEARING OFFICER FOX: Thank you. Susan McCarthy.

11 MS. MC CARTHY: My name is Susan McCarthy. My
12 address is Postoffice box 1591, Taos, New Mexico. I
13 represent myself.

14
15 I take exception to BLM's decision in the scoping
16 statement to eliminate from consideration information
17 regarding the current tailings pond. It is hypocritical and
18 contemptuous of the public to do so. It creates a false
19 situation in which the lessons to be learned from the past
20 are excluded from material made available. The EIS is
21 grossly inadequate. Decisions for the future cannot be made
22 on this basis. My questions concern soil samples in the
23 vicinity of the current tailings ponds.

24 One, what levels of Molybdenum and Selenium are
25 found in this soil in the vicinity of the ponds? Have

Q-6

Q-6

Cont.

quantitative statistics been accumulated monitoring the increase or decrease of Molybdenum over time? In the areas, is the soil sufficient to gauge the effect of wind born dust containing Molybdenum and Selenium.

Two, what levels of the following additives used in the mining ponds and found in the tailings or found in the surrounding soils; pine oil, diesel, -- reagent, methoisobutol (phonetic), carbinol (phonetic) and orathol (phonetic)? What is the increase or decrease of these amounts over time? No statistical information at all about these substances is contained in the Draft EIS.

Three, in an article on toxic metals and

municipal sledge, written by Rufus Cheng (phonetic) of Biological -- Management and Organic Resources Lab, I read that plants tolerate very high levels of Molybdenum and translocate Molybdenum into edible plant tissue. That the soil plant barrier does not protect the food chain from excessive soil Molybdenum and that ruminant animals are susceptible to toxicity. I read further that Selenium is readily absorbed by plants and freely translocated to edible plant tissues and that because plants can accumulate toxic levels of Selenium without -- toxicity, the food chain is not protected from excessive Selenium in the soil plant -- by the soil plant barrier. The Molybdenum and Selenium present in the tailings themselves are, according to your

Q-6

Levels of molybdenum and selenium in soils in the vicinity of the current tailings ponds have not been determined to date. As stated in Response to Comment 20-2, the USDA Plant Materials Center in Los Lunas, New Mexico intends to sample the current tailings material as well as adjacent soils during the summer of 1989. The subsequent analysis will include molybdenum and selenium. Data will be available to the public. No quantitative statistics have been performed to date, although a statistical summary of the forthcoming data will be done. No monitoring of molybdenum and selenium levels in area soils over time has been done at this time. See Response to Comment 71-2 for information concerning potential exposure relative to molybdenum and selenium levels.

Q-7

See Response to Comment 141-3.

Q-8

See Responses to Comments 20-2 and 39-1.

Q-8
Cont.

17

own tables included in the Draft EIS, measured in very highly toxic quantities. Your Draft EIS ignores the area of soil samples.

Questa is still rural, agriculture and livestock raising. Please undertake this very important area of investigation. Thank you.

HEARING OFFICER FOX: Thank you, Susie. I have a note from the Court Reporter. If anyone giving testimony has written comments, our Court Reporter would appreciate it if you could provide him a copy of the comments so that he could get correct spelling since he's not familiar with the terminology being used in every case nor is he familiar with place names in this territory. So, again, if you do have written testimony and you could see fit to do so, please provide him with a copy of your written comments. The next person I would like to call is Charlie Myers.

MR. MYERS: My name is Charlie Myers. I'm the manager of the Saddle San Cristobal Ranch. I represent myself and my family. My mailing address is P.O. Box 3142, Taos, New Mexico.

Because we live eleven miles due southwest of the proposed tailings site, we feel it is our duty to comment on the Draft Environmental Impact Statement. As DEIS states, the proposed Guadalupe Mountain Facility involves "irreversible and irretrievable commitment of resources",

18

1 page three dash four four, especially important in light of
2 the one thousand two hundred and thirty acres of public land
3 involved. Our reading of DEIS leads us to believe that it
4 is full of conclusions based on incomplete information
5 and/or a one-sided point of view. Also, absolutely no
6 alternatives were included in the text. Given the major
7 impact the proposal will have on the natural environment, it
8 is interesting that no alternatives were even mentioned.
9 The DEIS claims that its purpose is to comply to the
10 national environmental policy act in order to quote
11 "determine if the proposed project would result in any
12 unnecessary or undue degradation", page one dash seventeen,
13 "to the local environment".

14 Being that the proposed facilities quote
15 "adjacent to and nearly surrounded by the wild rivers
16 recreation area", SMA, page three dash twenty seven, that
17 quote "Guadalupe Mountain and associated areas support a
18 broad diversity of both migrant and nesting bird species
19 with a hundred and thirty-three avian species recorded",
20 page two dash twenty five, that eight hundred and twenty
21 five acres of vegetation, seven hundred and seventeen acres
22 of which are forest land, which is over a square mile, would
23 be permanent disturbed, page ix, and at the town of Questa
24 and the Red River, neither more than two miles away from the
25 proposed site, have both already suffered negative

Q-9 See Section 1.4, Consideration of Alternatives, and Response to
Comment 21-1.

19

1 environmental consequences from the existing very similar --
2 ponds, it is impossible to not see that a project of this
3 scope and size would have an adverse affect, both
4 unnecessary and undue to the local environment.

5 Indeed, the only observable motivations for this
6 project are the arguable benefits to the town of Questa and
7 county of Taos of increased employment in the area and the
8 inarguable benefit of corporate profit to Unical Molycorp
9 due to the fact that this is the cheapest possible route
10 towards reopening their mine.

11 As we know, nobody gets anything for free. In
12 this case, it is the public and nature that pay the price.

13 The public loses in many ways. Local air quality will be
14 compromised; to what degree, it is uncertain, given the
15 incomplete and confusingly presented of the DEIS. Guadalupe
16 Mountain, quote, "lies within the confluence of the Rio
17 Grande and Red River", page two dash seven. Quote "pumping
18 tests confirm that the volcanic rocks beneath Guadalupe

19 Mountain are capable of transmitting large volumes of ground
20 water", page three dash nine. Despite the fact that quote
21 "some downward seepage of the tailings solution is expected
22 to occur through the permeable underlying rhyodacite and
23 basalt", page three dash fourteen and that the andesite rock
24 structures underneath Guadalupe Mountain are quote "highly
25 fractured in all directions with unknown permeability", page

Q-10 Please refer to Responses to Comments 1-2, 17-2, 27-2, 48-16,
62-2, 63-5, and 75-16.

Q-10

Q-10
Cont.

20

1 two dash eight, the DEIS firm claims that quote "ground
2 water quality in this area including water from the BLM
3 visitor's center well and wells serving the town of Questa
4 and Saddle would not be significantly impacted", page three
5 dash fourteen.

6 Who defines what is significant in this case when
7 so many variables remain unknown. Visual effect is written
8 off because quote "visual strength of the existing tailings
9 facilities and other human activities", page three dash
10 thirty-one. In other words, since the writers of the DEIS
11 do not own property within sight of the slurry pond, what's
12 one more pond anyhow? Also, despite all of the expensive
13 efforts of the BLM in the summer of 1988, to promote the Rio
14 Grande wild and scenic river, it is clear that the BLM is
15 willing to trade off the possibility of drawing increased
16 tourism to the area by giving away a very visible landmark
17 to one profit oriented corporation.

18 MR. HOFFMEISTER: Charlie, one minute.

19 MR. MYERS: We could go on about the quote
20 "eleven archeological sites located within the Guadalupe
21 Mountain Basin that are considered eligible for nomination
22 to the National Register of Historical Places", page three
23 dash thirty five, the verified nesting species on the site
24 which include the "great horned owl, saw-whet owl, red-
25 tailed hawk and the American kestrel", page two dash twenty

21

1 five or the loss of habitat that would adversely affect the
2 local mule, deer population, page three dash twenty one,
3 just to mention a few of the local situations that would be
4 severely impacted by this proposed tailings disposal
5 facility. The Molycorp mine which, in the past, had -- laid
6 off many workers and had created immense physical scars in
7 the Santo de Cristo range should not be able to claim yet
8 another one thousand two hundred and thirty acres of public
9 land. The expenses to both people and nature, water and air
10 are just too high. That the BLM has already given its tacit
11 approval to this project is just one more stain in the
12 already tarnished image of the BLM that it has in this
13 management area.

14 We proudly enter our names with the many other
15 who oppose this project on the grounds that it is not in the
16 best interest of our area, now or in the future. Cheap
17 promises of possible increases in employment and the unknown
18 future do not make up for the long term, virtually
19 permanent, loss of land and resources.

20 Finally, the pressing questions of potential harm
21 to human health remain partially and unsatisfactorily
22 answered. Sane people do not take unnecessary risks with
23 the lives of themselves and their children.

24 HEARING OFFICER FOX: Thank you, Charlie. Virgil
25 Martinez.

Q-11

Q-11 See Section 3.14 of the Draft EIS for an assessment of risk to human health.

1 MR. MARTINEZ: Hello, my name is Virgil Martinez.
2 I'm from Cerro, New Mexico, P.O. Box 65. And I think where
3 all these things occurring right now, when the mines -- when
4 they first started here, there was very little people
5 working from here. Mostly people were from outside, people
6 from Taos and I think people from Taos should not have any
7 voice whether they want the damn or yes or no answer. The
8 local community from here, from Questa and Cerro and --
9 should have the voice on that because they want to leave us
10 with those problems. Thank you.

11 HEARING OFFICER FOX: Julia Vazquez.

12 MS. VAZQUEZ: My name is Julia Vazquez. I live
13 on -- Mountain in a direct line to the Guadalupe site. My
14 address is P.O. Box 3142, Taos, New Mexico.

15 I feel my questions are simple and to the point
16 made from a person who hasn't totally studied the book and
17 also doesn't have a broad background on mining or
18 environmental impact etcetera.

19 Throughout the contents of the EIS text, I have
20 noticed many contradictions, repeat statements and blatant
21 omissions. An obvious example of an omission occurs on
22 pages three dash thirteen -- pardon me -- one dash thirteen
23 and one dash fifteen. Table one two lists the typical
24 chemical analysis of the tailings. There are twenty eight
25 tailings included; Aluminum, Arsenic, Barium, Boron,

1 Cadmium, Calcium, Chromium, Cobalt, Cooper, Iron, Lead,
2 Magnesium, Manganese, Molybdenum, Nickel, Potassium,
3 Selenium, Silver, Sodium, Uranium, Vandium, Zinc, Chlorine,
4 Cyanide, Fluorine, Silicon, Sulphate and Total Organic
5 Carbon. On the following page, table one dash three
6 examines the typical water quality discharged from the
7 tailings impoundment; seven chemicals are listed. What are
8 the percentages of the remaining twenty one chemicals in the
9 water discharge from the tailings particularly Aluminum,
10 Arsenic, Lead and Uranium.

Q-12

Q-12 Please refer to Response to Comment 50-1 for a discussion of parameters included in Tables 1-2 and 1-3. Extensive hydrologic and hydrogeologic studies conducted for this project indicate that no state surface or groundwater quality standards would be violated as a result of the proposed tailings project.

11 My second question is in regard to the visual
12 impact in land degradation of the proposed tailings site.
13 Within the summary in the beginning of the Environmental
14 Impact Statement, it has been stated that additional
15 buildings, roads, pipelines or open line channels will be
16 created along with the tailing ponds themselves. The area
17 is to be fenced in to quote "prevent unauthorized access".

18 Because this site will need to be monitored so
19 closely, I ask you, will it need to be lighted in the
20 evenings? At present, from behind the mountains to the
21 northeast in -- I can see an amber glow from the lights of
22 the main mining facility. If lights are needed at the
23 Guadalupe site, what will the effects of the lights be on
24 the wildlife and human populations of the area? How can
25 lights penetrating our night sky be disguised? Thank you.

Q-13

Q-13 Please see Response to Comment 50-3.

1 HEARING OFFICER FOX: Again, if you could leave a
2 copy of your written comments, that would be very helpful.
3 Jamie Ash.

4 MS. ASH: My name is Jamie Ash. I am a resident
5 of Latierre (phonetic), living seven miles north of Questa,
6 P.O. Box 160, San Cristobal.

7 I am a resident of this area and I am very
8 concerned about Molycorp's proposed degradation and
9 destruction of natural resources as well as the long term
10 environmental and health impacts, which will be forced on
11 our communities against our will should the BLM approve
12 Molycorp's plan of operation.

13 Molycorp and the EIS study admits that eleven out
14 of the thirteen areas studied will be impacted long term.

15 What guarantee is there that Molycorp will follow its pledge
16 to mitigate air born dust from the tailings if its plan of
17 operations is approved. Could the tailings remain unsealed
18 if the mine begins operation and then ceases production
19 again for an extended period of time? Isn't this scenario
20 very likely, given a realistic view of the world of
21 Molybdenum market. For example, that the world's supply of
22 Molybdenum is much greater than the demand and, in fact,
23 that Molycorp is a very small player in that supply. Should
24 the mine undergo an extensive shutdown, would Molycorp have
25 to begin reclamation of the site or could the pond just sit

Q-14 See Response to Comment 48-6. Regardless of operational status, Molycorp would be required to meet air quality standards. See also Section 1.5 of the Final EIS for a description of required mitigation measures.

Q-15 Reclamation at the tailings facility could not be required prior to Molycorp's intent to permanently close the facility. Refer also to Response to Comment Q-16.

1 there in perpetuity.

2 What if the Molybdenum market never reaches a
3 level at which Molycorp could begin production, yet Molycorp
4 makes so-called improvements at the Guadalupe site,
5 essentially making permanent scars in this area. Won't this
6 constitute unnecessary and undue degradation?

7 Given the potential for continuous long shutdowns
8 and the fact that in constant dollars the price of
9 Molybdenum has actually dropped over the past twenty years,
10 isn't a more realistic term of the project seventy to a
11 hundred years plus? What is the timeframe for the
12 reclamation of the site after closure? What kind of a bond
13 would Moly be required to post to insure reclamation and
14 would this bond be enough to insure that Moly will guard
15 against quote "unforeseeable incidents"; for example, the
16 twelve spills that occurred between '76 and '81? Has the
17 BLM calculated how much it would cost to clean up the Rio
18 Grande if it got polluted and what if the fish died as a
19 result? What are these figures? Could Molycorp also be
20 assessed for lost tourist income as well as the loss of
21 wildlife and degradation of Federal property? What can the
22 BLM's notice of noncompliance actually do? Is it a fine or
23 a slip of paper that Molycorp can ignore?

24 The dams required for the site would constitute
25 a permanent eyesore to all of those in the BLM special

Q-16

A condition that would permit dam construction and clearing of the pond area to begin, if the Plan of Operations were approved, would be that the mine be operational.

Q-17

See Responses to Comments 39-1 and 40-5.

Q-18

The BLM has only calculated reclamation costs since they have a greater probability of having to be covered. See Responses to Comments 39-1 and 40-5.

26	
1	management area, classified as class one recreation which
2	surrounds approximately ninety percent of this proposed
3	site. These huge dams constitute unnecessary visual
4	impairment of the scenery and are in significant conflict of
5	the class two objectives designated for all of the SMA. Why
6	then shouldn't the BLM require Moly to remove the dams
7	after closure? What is the measure of quote "economic
8	unreasonableness" that the BLM uses versus the
9	unreasonableness of imposing these dams in this class one
10	area.
11	In the BLM explanation of necessary mitigation,
12	it includes quote "reshaping of disturbed areas to natural
13	contours" unquote. Why has the north half of Guadalupe been
14	designated an area of critical environmental concern due to
15	quote "significant scenic and cultural values as well as
16	important wildlife habitat" unquote while the other half of
17	the same mountain has not been deemed to have the same
18	features? Is this a little crazy thinking about two halves
19	of the same mountain?
20	Why was the Molycorp site not included in the
21	SMA? And wouldn't the activities there significantly
22	contradict the SMA objectives?
23	Finally, why does the EIS completely ignore the
24	question of intrinsic value, i.e., the value of Guadalupe
25	Mountain which is not dependent upon any external
Q-19	The dams would be permanent features. They would be needed to contain the tailings and could not be removed after closure.
Q-20	"Economic unreasonableness" describes a situation that would impose an economic hardship upon a proponent and restrict their ability to realize a reasonable return on their investment.
Q-21	See Response to Comment 40-6.

Q-21
Cont.

27

1 circumstances? Admittedly, intrinsic value is a hard thing
2 to work neatly into a table or chart, yet we all know that
3 Guadalupe has significant value in and of itself but
4 according to Molycorp, it's better to degrade first and let
5 the generations down the line ask those questions. The
6 truth is, that when the area we live in and are graced with
7 is decimated, we are all affected. Sooner or later that
8 destruction on the mountain will come to live in us, maybe
9 from the accumulation of toxic metal ingested in our systems
10 which result in disease; maybe in the absence of certain
11 species which had inhabited the area before; maybe in the
12 sadness provoked when we look out what was once an aspiring
13 scenery only to have a huge eyesore dominate the view; maybe
14 just in the low level anxiety that comes when we know that
15 we are leaving a place a lot worse off than we found it and
16 our children's lives will be a lot less than what our's was.

I strongly discourage the BLM from approving of
Molycorp's plan of operations as the Guadalupe site is
completely unacceptable. After all, one of the first
lessons we all learned back in kindergarten was, one, put
things back the way you found them and, two, clean up your
own mess.

HEARING OFFICER FOX: Hattie Stone. Could I ask
for quiet, please?

MS. STONE: My name is Hattie Stone and I live

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1 north of Questa, right in line of the wind -- My address is
2 639 NSR, Questa.

3 I feel we need to look before the present moment
4 and consider the future wellbeing and health of this area
5 where we live either by chance or choice. There are many
6 creative minds here and we can work together to improve the
7 quality and wellbeing of life. I'm particularly interested
8 in what happens to the tailings ponds when they're no longer
9 in use. What is your criteria for reclamation of the
10 vegetation? Will you request that reseeding of the natural
11 vegetation be ninety percent complete in five years compared
12 to the natural state of the surrounding areas? How will the
13 reclamation progress be monitored and what evidence do you
14 have that this process will work and the quality of the land
15 be restored?

16 HEARING OFFICER FOX: Thank you. Ann Kiious,
17 please.

18 MS. KIOUS: My name is Anne Kiious. My address is
19 630 North Star Route, Questa and I represent myself,
20 concerned citizen of the area.

21 I live in the Questa area viewing the Guadalupe
22 mountains from my home. I am deeply concerned about the
23 dust that I see blowing off the two Molycorp tailings ponds
24 and adverse effects that the toxic elements in it may have
25 on the health of people in the community of Questa. Now

Q-22 See Response to Comment 39-1.

Q-22

2-336

1 that Molycorp is proposed to build a third tailings pond in
2 the Guadalupe Mountains, I feel compelled to ask the
3 questions about the methods that would be used to control
4 the dust emissions. In the Environmental Impact Study on
5 page one dash fourteen, it is stated that dry areas of the
6 tailings ponds would be periodically sprayed with a
7 chemically inert stabilizer to form a crust and reduce
8 fugitive dust emissions. What evidence is there to show
9 that this stabilizer will be effective? How often does it
10 stabilizer need to be applied? How often will it be
11 applied? What is the chemical makeup of this stabilizer and
12 has it been proved to be non-toxic.

13 I request that these questions be answered before
14 a final decision on the new tailings pond is made. Thank
15 you.

16 HEARING OFFICER COX: Thank you. Robert Watt.

17 MR. WATT: Greetings everybody. I'm real nervous
18 so I'm going to cut this down. My name is Robert Watt and
19 my address is P.O. Box 3142 in Taos. I live in Loloma and I
20 am a concerned neighbor, here on my own account and my
21 family's.

22 I'd like to address a couple of questions to
23 night on the maintenance of this facility. My two main
24 concerns are with the purity of the air and the purity of
25 the water. First, I'd like to talk about the windblown

Q-23 See Response to Comment 27-7.

1 dust, the impurities that are already in our air around this
2 area. It often seems that -- it's only an occasional
3 problem. I've talked to many locals who can recall only
4 once or twice a year not being able to see the mountains
5 from town because of the dust clouds that envelope when the
6 winds blow hard, yet, constantly, there is -- almost every
7 day there is a thin layer that we don't see quite so
8 blatantly that is microscopic and every day accumulating
9 more and more of this dust. It is questionable in its
10 source and its health value to those of us who live around
11 here and who care.

12 It's -- on the plants, it's entering the cattle
13 that we feed and many people's bodies who eat the meat
14 thereof. It's also accumulating to a point where it has
15 visually has got to enter the ground water around here.
16 Moly has a couple of ideas on how they want to deal with
17 this dust problem; one possibility is to try to treat the
18 area with the chemicals that whoever was just here was
19 talking about. I understand that they have been using that
20 already and anybody who lives here, I believe, can attest to
21 the fact that they don't really work.

22 Another option is to spray the site with water.

23 HEARING OFFICER: Just a moment, please. Please
24 let the speaker have his say; you'll have your turn.

25 MR. WATT: Another thing is to spray the with

1 water keeping the dust -- keeping the impoundment moist and
2 keep the dust down in low winds. More dry winds will, of
3 course, dry this quickly and will do little to keep the dust
4 down. It will merely help accelerate the pollution of
5 ground water.

6 I had a letter of Cynthia Ardito (phonetic); I do
7 have a copy of that that I want to hold on to. It's dated
8 December 7, 1988. She is, I assume, a spokesperson for the
9 EDI ground water bureau. She raises much, much, much
10 concern with the present Environmental Impact Statement
11 draft. One specific point is in opposition to spraying
12 tailings, "therefore increasing the -- of concentrations of
13 sulphates and other dissolved solids to the ground water".
14 There are many ground water concerns.

15 According to the previously mentioned EID letter,
16 it deems that more studies are not conclusive to no ground
17 water pollution. The EID requests more information on
18 controlling seepage. They also calculate the sulphate
19 concentrations using the same, I believe, numbers that were
20 in the Environmental Impact Statement that seemed to look
21 good in there that our state agency, who was I would like to
22 remind you, probably our best hope of having any safe water
23 or air around here, they are the closest working with us and
24 based in our state instead of Washington, D. C., they are
25 now as confused as I am. But they calculate that there will

1 be a hundred and twenty milligrams per liter of sulphates in
2 excess of the state standards.

3 It's stated in the same letter as well as the EIS
4 Draft, Environmental Impact Statement Draft, that this area
5 has some highly permeable interflow zones; someone else
6 mentioned that this evening. More research has to be done
7 to confirm the safety of the ground water.

8 In closing I would like to say that the BLM is
9 faced with some tough decisions. I'm here to ask if it's
10 worth betraying the public trust to pass the proposal. The
11 effects of this plan will be irreversible if passed. We
12 entrust the BLM to protect our lands and the wild and scenic
13 river area. And I would just like to say, my blessings on
14 everyone and I hope that we can come to terms and everybody
15 can get jobs and everybody can breathe fresh air and drink
16 fresh water. God bless you all.

17 HEARING OFFICER FOX: Thank you. I have a hard
18 name here. It looks like Keith Guidroz.

19 MR. GUIDROZ: I wish to defer at this time.

20 HEARING OFFICER FOX: All right, Keith. It looks
21 like Dave -- Drew, I'm sorry, Bralove.

22 MS. BRALOVE: My name is Drew Bralove. I'm a
23 resident of Questa. I represent myself. My address is P.O.
24 Box 1008.

25 I'd like to specifically address the water

Q-26 See Response to Comment 48-16.

Public Hearings - Questa

Response to Comment

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1 quality issues and I'm going to try not to cover the same
2 ground that Robert did so we don't waste any time here. I
3 divided my comments and my questions into two areas; one is
4 surface water; one is ground water.

5 I'll begin with surface water issues. Molycorp
6 has a long history of tailings spills into the Red River
7 from defective pipelines carrying slurry to the tailings
8 ponds. As far back as 1966, grave concern has been
9 expressed by private citizens and public agencies regarding
10 the pollution of the Red River and the death of trout,
11 insects and -- populations. Breaks resulting in tailings
12 spilling into the Red River cause the U.S. EPA, the state
13 EID and other interest parties to enter into a stipulated
14 agreement with Molycorp in 1977.

15 Due to continuing tailings line breaks over the
16 next two and a half years, a stronger quote "proof document
17 called a judgment of consent" was negotiated in 1981. Still
18 there were at least forty-six documented spills between
19 June, 1975 and January, 1981, half of which went directly
20 into the Red River. This shows a history of Molycorp's
21 inability to control slurry fills and thereby comply even
22 with the general water quality standards as outlined in the
23 state of New Mexico Water Quality Control Commission, Water
24 Quality Standards for Intra-State and Inter-State Streams in
25 New Mexico.

34

Specifically, and I will not read them, I was going to plan to but -- Sections one dash one zero two, letters A, F, J and M. More specifically, these spills are in conflict with the anti-degradation policy and the specific designated uses for the Rio Grande and the upper and lower sections of the Red River, uses which include domestic water supply, high quality cold water fishery, fish culture, livestock and wildlife watering and secondary contact recreation. My questions regarding surface water contamination are: What technologies will be employed by Molycorp to prevent the quantity and frequency of spills that have occurred throughout its twenty year operational history? Tailings pipelines are not addressed in the Draft EIS except to request three and a half additional miles of them. How does Molycorp propose to handle the inevitable spills from the new lines on the Guadalupe slopes? No mention is made in the Draft EIS of clean-up procedures to prevent toxic seepage into ground water and soils.

Second, can Molycorp consistently comply with the standards for high quality cold water fishery trebedity (phonetic) given its repeated violation of the Federal MEDES permits? What about compliance with conductivity standards of the Red River and the Rio Grande? Does the 1981 study by James Andresen (phonetic) of the Victoria Field Research Station, which investigated the accumulation of metal

Q-27 See Responses to Comments 63-2 and 113-7.

Q-28

Molycorp's discharges to the Red River are regulated under a NPDES permit issued by the Environmental Protection Agency as referenced in Response to Comment 27-9. Numerous studies of the Red River have been conducted and are ongoing. Recent publications that may be of interest include:

Smolka, L. R. and D. F. Tague. 1989. Intensive Water Quality Survey of the Middle Red River, Taos County, New Mexico, September 12 - October 25, 1988. Surface Water Quality Bureau, Environmental Improvement Division, New Mexico Health and Environment Department.

Lynch, T. R. and C. J. Popp. 1988. Aquatic insects as environmental monitors of trace metal contamination: Red River, New Mexico, Water, Air, and Soil Pollution. 42:19-31.

See also Response to Comment 85-9 regarding effects to surface water quality from airborne contaminants.

Q-28
Cont.

2-343

35	
1	contaminants in fish of the Red River and which concluded
2	that quote "even though the concentrations of Cadmium,
3	Copper, Moly and Zinc in the water are low, -- fish in the
4	Red River are bioaccumulating these metals considerably,
5	especially in liver tissue" end quote. Does this indicate a
6	conflict of interest between maintaining an already
7	designated high quality cold water fishery and a proven
8	Molycorp current destruct plan? Will Molycorp meet the
9	current standards or litigate to raise them as it did in
10	1977? Can Molycorp account for surface water contamination
11	resulting from the settling out of air born contaminants
12	from the tailings disposal facility onto surface water?
13	Ground water issues. I'm not going to reiterate
14	the reservations that were expressed by EID. I'm just going
15	to simply read my question. There is some discrepancy about
16	the figures used about where the ground water table lies.
17	In the EIS it is proposed that it's at a hundred feet; EID
18	says that it may very well be at ten to twenty feet.
19	Therefore, since there may very well be only ten to twenty
20	feet of unsaturated soils below the proposed tailings site,
21	rather than a hundred, can we assume the soils will become
22	saturated much sooner than outlined in the Draft EIS and
23	that after saturation, all seepage will become available to
24	the ground water flowing into wild and scenic river and
25	springs along the river and the Rio Grande. The Draft EIS

Q-29

Q-29 For a detailed discussion on depth to groundwater and mixing depths, please refer to Responses to Comments 1-2 and 48-16.

36

states clearly that the ground water flowing out of the
Guadalupe site directly feeds the wild and scenic river
recreation area, all the water facilities there, big and
little, -- Red River and the Rio Grande. With the revised
depth for mixing, what would the real health threat of lead,
Manganese and Moly poisoning be over the life of the project
and beyond? What is Molycorp's proposal to reduce seepage?
Will they adopt the recommendation of the EID of a clean
liner underneath the tailings? How does Molycorp propose to
solve the dilemma that dry tailings create air pollution and
wet tailings exacerbate seepage problems? The lower portion
of the Red River has maintained its quality over the last
twenty years, largely because of the influx of clean spring
water below the hatchery. However, the great possibility of
contamination below these sites affect the delicate balance
that currently exists. Can Molycorp account for air born
tailings deposited at surrounding soils and thus available
for water seepage to water tables from natural processes?

What procedure will Molycorp implement to comply
with the following monitoring requirements as outlined in
the Water Quality Control Emissions Regulations? First the
installation, use and maintenance of monitoring devices for
the ground water most likely to be affected by the
discharge? A system of monitoring and reporting to verify
the expected results? Procedures to detect the failure of

Q-29
Cont.

2-344

Q-30

Q-30

Please refer to Response to Comment 85-9 for a discussion of why
airborne tailings will not impact the surrounding soils and
impact water quality.

Q-31

Please refer to Response to Comment 2-1 for a discussion of
proposed monitoring at the site. Responses to Comments 27-2 and
48-16 provide a discussion of metals attenuation and mixing
depth.

Q-31

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Response to Comment

Q-31
Cont.

2-345

37

1 the discharge planner system? Contingency plans to cut the
2 failure of the discharge planner system; measures to prevent
3 ground water contamination after the cessation of operation,
4 including post-operational monitoring and, one more. Since
5 the soils underlying the tailings will become saturated
6 during the length of the project, using any -- and
7 contaminants will become available to the ground water, how
8 will MolyCorp measure the waste available to seepage over
9 time through natural processes once the site is reclaimed by
10 covering with topsoil? Thank you.

11 HEARING OFFICER FOX: Thank you. Betsy Peirce.

12 MS. PEIRCE: I decided I'm just going to write my
13 comments.

14 HEARING OFFICER FOX: Did you say you didn't want
15 to testify at this time?

16 MS. PEIRCE: Yes.

17 HEARING OFFICER FOX: All right. Thank you,
18 Betsy. Arron Rael.

19 MR. RAEL: My name is Arron Enrique Rael. I was
20 born and raised here in upper -- my permanent address is
21 P.O. Box 107, Questa, New Mexico.

22 And what I would like to point out -- I would
23 like to point out a couple of discrepancies that I did find
24 in the EIS and this is regarding the reopening of the mine
25 and I think also some of the rumors that have been going

38

1 around.

2 On page one dash three it states, "Molycorp
3 expects to reopen, expand their existing operation as soon
4 as the Molybdenum market allows for production at profitable
5 levels". Okay. It doesn't say when. And on page one dash
6 twelve, it states, "Depending upon demand from Molybdenum,
7 construction would begin after approval of the plan of
8 operations". Now these are pretty much the only two
9 statements in here about price of Moly and the market
10 conditions. This does not indicate what the market
11 conditions are nor does it tell us whether this tailings
12 site is anything but an unnecessary use of Federal land.

13 I also did a little more research and looking
14 around. And in 1986 Annual Resource Report from the
15 Department of Energy and Minerals, it talks about the bleak
16 market situation, quote unquote "bleak market situation of
17 Molybdenum" and it also states in an area under production,
18 "The annual Molybdenum production in the state may decline
19 to historic levels in 1986 and 1987 and remain there for the
20 rest of the decade". These poor market conditions that it
21 talks about indicate that the tailings site will not be used
22 for a number of years. If prices are -- remaining low for a
23 decade or longer, why is the decision on this site necessary
24 now?

25 I've also -- in the U.S. Bureau of Mines Minerals

Q-32 See Response to Comment 2-2.

Q-32

1 Industry Survey, Molybdenum, in September of 1988, the price
2 stated here for concentrate, which is what is taken out of
3 the mine here, is two dollars and seventy cents, which is
4 about ten cents less than when Molycorp closed a couple of
5 years ago.

6 There are some questions that I would like to
7 have included in the Final EIS for discussion and analysis.
8 What are the long term price trends for Molybdenum? How
9 much of the future of Molybdenum demands will be met by Moly
10 production as a by product of copper mining? How much of
11 the future Molybdenum demand will be met by recycling of
12 used Molybdenum metal? And with these two forms of supply,
13 does that make it more difficult for a Moly only mine, such
14 as Moly operates here, to reopen any time soon? Thank you
15 and goodbye.

16 HEARING OFFICER FOX: Thank you. Linda Rael
17 Vigil.

18 MS. VIGIL: My name is Linda Rael Vigil. My
19 permanent address is Postoffice Box 333, here in Questa. I
20 represent myself and my children. And before I start, I
21 would like to make a recommendation to BLM that for the next
22 meeting that we provide speakers with water.

23 I would just like to point one more discrepancy
24 in your Draft and that is on tables one two, page one
25 thirteen and on tables three ten, pages three thirty-nine,

Q-33 An economic analyses of the long-term molybdenum market is outside the scope of this EIS. Molycorp has reopened the mine since the issuance of the Draft EIS.

Q-34 See the Response to Comment 76-1.

Q-34
Cont.

40

1 You do not have Silica included in any of your tables and
2 yet in a letter dated March 28, 1985 to Denise Fortier
3 (phonetic) from John Vimont (phonetic), Cecilia Williams and
4 Gordon Venable (phonetic), the subject being the proposed
5 Molycorp Tailings Disposal Facility, BLM's final
6 environmental assessment remains seriously flawed.

7 I would just like to point out on page five and I
8 quote "the composition and size of the tailings are of
9 special concern and subject to potential health impacts but
10 are not addressed -- Silica is the single largest component
11 of the Molycorp -- tailings; the two main ores contain
12 between sixty and seventy percent Silica. The possible
13 adverse health effects of Silica from metal tailings in the
14 Questa area residents raise significant and as yet
15 unanswered questions". It goes on to say that "if the
16 tailings are the major contribution to the TSP
17 concentration, a highly probable conclusion is reasonable to
18 predict that residents in the area of the mill tailings
19 deposits will be exposed to hazardous Silicon concentrations
20 in excess of the standard recommended by NIOSH and in
21 violation of the Federal Health related standards".

22 I would ask BLM to please give us some updated
23 information on Silica and on the long range health hazards
24 that could derive to us and our family. Thank you.

25 HEARING OFFICER FOX: Thank you, Linda. Paul

1 Robinson.

2 MR. ROBINSON: Thank you very much. My name is
3 Paul Robinson. I live a little further south in the Rio
4 Grande Valley in Albuquerque, in the South Valley, and I'm
5 with Southwest Research and Information Center and I teach
6 in the planning program at the University of New Mexico.

7 The operation of the tailings facility is
8 described as being dependent on price of Molybdenum and
9 market conditions. However, as those who have thought about
10 it realize, the price of Molybdenum is not going to change
11 with the approval of this tailings pile. There is still
12 going to be a depressed Molybdenum market; there's still
13 going to be large sources of Molybdenum in the world that
14 are going to affect whether this operation moves regardless
15 of whether the tailings pile is approved.

16 So whether there is some necessity for this
17 facility is, I think, a question of market conditions. And
18 the Impact Statement addresses the market condition with
19 absolutely no analysis. It makes blanket conclusionary
20 statements without underlying analysis, which is an
21 inappropriate approach for a detailed statement.

22 The price of Moly over time has been cyclical.
23 It has risen and fallen and this operation, as with others,
24 in the Western U.S. have had cyclical operations, where
25 there have been downturns and low production periods as well

Q-35 See Response to Comment Q-33.

Q-35

1 as high production periods. And so the scenario described
2 in the impact statement of forty years operation and then
3 shutdown, I think is in error. It's not based on historic
4 conditions on the mining industry.

5 We have an operation that if the price rises, is
6 going to be subject to continued market changes and there is
7 likely to be on and off periods as the community has noticed
8 over the last twenty years.

9 Being able to prevent fugitive dust from causing
10 undue and unnecessary damage to Federal lands which will be
11 bordering the tailings pile, even after the patent, that is
12 the Federal land which is most subject to degradation.

13 There is no analysis of the values of those -- Federal lands
14 or what the degradation that may occur, doing the
15 operational phase or the post operational period. Those are
16 the Federal lands that are being damaged, there is no
17 quantification of the values that are being degraded. I
18 believe that that is a very clear requirement of the BLM in
19 this EIS analysis.

20 John Andrews, who I've seen talking about other
21 metals over the years, was talking about BLM coordinating
22 with other agencies and the EIS does not take recognition of
23 the environmental improvement division staff's statement
24 that they cannot approve the plan as drafted. As of
25 December, just in the last month, they made the statement

Q-36 Mitigation for air quality is included in Response to
Comment 48-6 and in Section 1.5 of the Final EIS. Potential
impacts to air quality are detailed on pages 3-1 through 3-7 of
the Draft EIS.

1 about five days after the EIS was released. All that the
2 EIS talks about is there's going to be an EID permit
3 process. There's a statement about the state decision
4 making; there is no clear indication of coordination.

5 I believe that coordination would call for the
6 BLM to wait until the state agencies are in a position to
7 make a decision so that the various agencies can be hearing
8 about the same plan; the BLM approving one that is not
9 approvable by the EID is a problem which I think is
10 developing at this time because of the failure to

11 coordinate. Another failure to coordinate is with the EID's
12 air quality divisions. The letter from the division, Gordon
13 Venable, for those who know, was the Air Quality Bureau
14 Chief at the time in 1985 and he had expressed specific
15 interest in the fugitive dust problem. The EID is not
16 listed with its responsibilities for air quality and I'm
17 sure the permit people with MolyCorp recognize that the EID
18 does have role to play on air quality.

19 The problem that EID notices with respect to the
20 ground water conditions is that EID -- are that MolyCorp
21 draws conclusions without providing supporting data and
22 additional data is needed, as I read the letter. Now this
23 is very true with the air quality problem, where there is an
24 assumption, page three dash forty one, the only air quality
25 mitigation measure is the bonding compound which has not

Q-37 BLM recognizes the role of the New Mexico Environmental Improvement Division in the enforcement of air quality regulations and consulted with agency personnel during the preparation of the Draft EIS.

1 worked according to the visual evidence gathered by Questa
2 residents. There is no supporting statistical information,
3 no supporting experiential or experimental data, to indicate
4 that that chemical process is going to work. And the whole
5 plan depends on that working to keep fugitive dust off of
6 other public lands.

Q-38

Q-38 As noted in Response to Comment 27-7, this surfactant has proven to be effective in similar situations.

7 Hoping to make one final comment before my minute
8 is up, the tailings facility is going to be covered as
9 planned by one foot of material. Those who take
10 geomorphology courses in New Mexico know that the average
11 erosion rate in the state is a quarter of an inch a year.
12 So a foot, that will last about fifty years. Really a
13 totally inadequate degree of fugitive dust protection. The
14 types of reclamation activities which might require the rock
15 wrapping (phonetic) or dumping of volcanic rock on the
16 surface, three to six inch rock to armor that surface,
17 that's not going to blow away in the way the soil type of
18 materials that are described in the Impact Statement would
19 blow.

Q-39

Q-39 See Responses to Comments 39-1 and 62-4.

20 Clearly the BLM has responsibility for surface
21 management issues; there are no criteria for the
22 revegetation program described, no seed densities, no
23 revegetation percentages, no five year stateability of the
24 revegetation -- the revegetation programs need to work in
25 order for there to be long term air quality protection.

Q-40

Q-40 See Response to Comment 82-4.

1 There is no assurances provided; there is no quantitative
2 information provided to indicate that the one foot of cover
3 and the revegetation program have even a chance of working.

4 Certainly, there are other comments that I have
5 to make. The schedule provided by the BLM tonight appeared
6 to fail or recognize the degree of public interest and the
7 BLM I think would be neighborly to provide another
8 opportunity for some of the people that are not going to be
9 able to speak tonight to talk in their communities rather
10 than having to be down in Taos to fit into your schedule.
11 Thank you for the opportunity.

12 HEARING OFFICER FOX: I do thank the speaker for
13 staying within the time allotted, which I certainly
14 understand this is a small amount of time, and also the
15 previous speakers for bearing with us on this point, and I
16 do appreciate that. The next speaker is Wilfred Rael.

17 MR. RAEL: I'm Wilfred Rael. I'm here
18 representing myself and my family. My address is P.O. Box
19 603, Questa, New Mexico.

20 I have lived along the Red River most of my life.
21 For the record, I want it to be understood that I am not
22 against economic development in our community. However, I
23 am protesting the award of the Guadalupe to Molycorp because
24 economic development should not jeopardize the health and
25 wellbeing of innocent people. Tailings is -- to the

1 tailings lines at high pressure at an elevation of
2 approximately eight thousand feet, the lines run down six
3 miles to Questa along the Red River to an elevation of
4 approximately seventy-three hundred feet, then upward to an
5 elevation of eight thousand feet. These figures are
6 approximate. This creates a head pressure of about seven
7 hundred feet not counting the initial pump pressure. We
8 know that this high pressure on tailings lines have caused
9 excessive and unnecessary spills. All of the -- on the Red
10 River are affected by spills on the river.

11 The effects of these spills have caused
12 unnecessary and excessive degradation of public and private
13 property. The tailings pipeline is part of the operation
14 and this -- spills have occurred in the past.

15 Molycorp has failed to live up to its agreements
16 with respect to tailings lines because they have failed to
17 upgrade the pipe that they agreed to in a consent decree
18 that was entered into U.S. District Court on September of
19 1981. Because of this history, Molycorp should be required,
20 first of all, to meet its previous legal agreements before
21 the new plan is further considered.

22 Number two, Molycorp should be required to show
23 how their operation in the future will eliminate the spills
24 that are caused by this type of operation. Such controls
25 should be part of the mitigation plan and EIS to prevent

Q-41

See Response to Comment 63-2. The purpose of the EIS is to assess impacts; the courts have the authority to enforce their decrees.

Q-42

See Response to Comment 63-2.

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Q-42
Cont.

undue and unnecessary harm. Thank you.

HEARING OFFICER FOX: Thank you. Juan Montes.

MR. MONTES: My name is Juan Montes and it's P.O.

Box 855, Questa and I'm here as a concerned parent.

And while my arguments might challenge your own documents on the efforts you're trying to do and environmental ecology efforts, I'm speaking as a parent because that's the extent of my wealth. I feel that I am a rich man and I want to keep it that way.

And as other people have spoken, it's full of inaccuracies, misrepresentations, omissions, I choose to focus on BLM's negligence and complicity in the progress of the defective EIS. As an extension of the Federal Government, BLM has an obligation to uphold the trust of the public in its role of managing public lands. The Guadalupe Mountain is land which the Federal Government took from the people of this area in spite of community and rightful land owner opposition. This land was taken under the guise of declaring these lands as public lands and that the Government would protect and preserve these entrusted lands for use by future generations. This assumes that the Government, BLM, would be a better caretaker and steward of these lands. As taxpayers, voters and citizens, we also assumed that these lands were held in trust and for the common good. The assumptions are obviously wrong.

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1 What we are now facing is the awarding of the
 2 wonderful mountain to a known and adjudicated polluter and
 3 poisoner of the environment, MolyCorp. Judge (phonetic)
 4 signs decree between Government and Moly March, 1984; wrong,
 5 wrong. I submit that as an attachment. And that cites
 6 twelve toxic spills since '76 -- I'm sorry '78 to '81. And
 7 this is a gross violation of that public trust as well as in
 8 direct contradiction to BLM's Taos Resource Management Plan
 9 mandated by the Congress in the Federal Land Policy
 10 Management Act and the 1969 National Environmental Policy
 11 Act.

12 The treaty Guadalupe -- of 1848 stipulates the
 13 protection and preservation of land, of the inhabitants of
 14 the conquered lands held privately and communally. BLM's own
 15 resource management plan, paid for by us taxpayers, declared
 16 the Guadalupe an area of critical environmental concern,
 17 ACEC. And the ACEC was designated to protect important
 18 scenic cultural wildlife values. And it mentions it several
 19 times here. And it's your book, so you should have the
 20 citations, but it's written in there.

21 And under management prescriptions, under page
 22 five eleven, number eleven, states "a special management
 23 area will be withdrawn from locateable mineral entry" and
 24 listen to this, Michelle, "and closed to mineral materials
 25 disposal." Okay. See BLM supported this defective Draft

Q-43

Several points are notable in this comment. First, the proposed MolyCorp tailings disposal area is not part of the Area of Critical Environmental Concern (ACEC). Mill site claims were filed on the disposal area in 1981. The March 1987 draft Resource Management Plan (RMP) proposed including the site in the ACEC but further consideration resulted in deleting it from the ACEC proposal presented in the October 1987 Proposed RMP (see Response to Comment 40-4). Consequently, the scenic, cultural, and wildlife values protections identified in the ACEC do not apply to the MolyCorp site.

Similarly, the site is outside the boundary of the Wild Rivers Recreation Area SMA (see U.S.D.I. BLM 1984 and 1988). Thus the mineral entry withdrawal and disposal closure management actions do not apply to the site under consideration and the assertion of RMP contravention is incorrect.

Finally, the RMP is a land management policy document. It addresses many issues and considerations that were evaluated and used for guidance in developing the Draft EIS. Absent direct conflict with the guidance provided in RMP, however, the Draft EIS is a planning document addressing a specific proposal in much greater detail than is possible in the RMP. In effect, the EIS will ultimately lead to a detailed refinement of the RMP for a very specific location, either approving, amending, or denying the MolyCorp proposal. This conforms directly with FLPMA and other federal laws, it does not abrogate them.

1 EIS which will result in the privatization of public land
2 and in the disposal of mineral material in the tailings on
3 this land is in direct contravention to your own resource
4 management plan. And this was October, '88, three months
5 ago.

6 The proposed tailings ponds in the -- is not
7 mentioned in this final resource plan. Isn't it the policy
8 or isn't this public land under BLM management under the
9 Federal Land Policy Management Act of 1976 -- BLM is legally
10 obligated to develop comprehensive land use planning for
11 public lands. Does BLM have the authority to abrogate
12 Federal laws of its choosing? If it took BLM four years,
13 four years, to develop and approve a resource management
14 plan with citizen comment, now can you just throw this
15 resource plan away because of the defective EIS in support
16 of a hazardous tailings pond in an area of critical
17 environmental concern? You know there is hypocrisy there.

18 The emissions of toxic materials -- will BLM be
19 responsible and liable for spills, seepage, dust, emissions
20 of toxic materials from once public lands? You don't know
21 because then it's private, right? Will BLM cover the long
22 term health cost of Questa children and several children
23 from these deadly toxins from once public lands? And I
24 think not; you're going to wash your hands.

25 MR. HOFFMEISTER: One minute, Juan.

Q-43
Cont.

2-357

Q-44

The comment confuses "toxic" with "hazardous", in that certainly, some of the constituents of the tailings at certain concentrations are capable of causing physiological harm (toxic); yet, if handled properly, these materials have very little likelihood of causing harm (hazardous). Many "toxic" materials are dealt with each day in a "non-hazardous" manner. The mine tailings are not considered hazardous as defined under the Resource Conservation and Recovery Act (RCRA) or toxic as defined under the Toxic Substances Control Act. Please refer to Response to Comment 11-1.

Q-44

1 MR. MONTES: In conclusion -- well you give me
2 notice, now it's my turn to give you notice -- in
3 conclusion, you know, I request written responses to these
4 questions. But regardless of receipt or not, and if BLM
5 chooses to move this one step forward, you know, I feel it
6 is my obligation as a citizen, as a parent, to put you on
7 formal notice of my intent, and I invite all others
8 concerned to join me in filing suit in Federal Court on
9 these contradictions which you, yourselves have written.
10 Okay, and the violation of the public trust by a Federal
11 agency.

12 In closing, I would offer BLM the only viable
13 alternative out of this quagmire is to say "no" to the
14 proposed disposal site, admit your negligence, incompetence
15 and, as a good faith effort, begin the process of returning
16 this land back to its rightful owners, the true caretakers
17 and stewards of the land for centuries, the citizens of
18 Questa and Cerro.

19 HEARING OFFICER FOX: Gary Edwards, please.

20 MR. EDWARDS: My name is Gary Edwards. I live
21 north of here in El Rito; my address is 635 North Star Route
22 and I represent myself.

23 Many, to possibly the majority of the people in
24 our area, do not mind Moly reopening due to the influx of
25 //

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1 jobs, however, not at the cost of our environment and not
2 at the expense of the Guadalupes. We don't like the
3 tailing spills into the Red River or the tailings dust
4 inhaled by our children when they're in school. A case in
5 point in the EIS it is stated on page 2-9 that, "The
6 Guadalupe Mountains are a major recharge of the aquifer
7 that supplies the Rio Grande Springs and springs through
8 Red River Fish Hatchery".

Page 3-8 quotes Dames and Moore Study, stating
that, "Metals from tailing site in the Guadalupes would
seep downward into the water table". This study further
states that, "Metals would be absorbed into the soil
before they reached the water table. However, at some
point, that strata much reach saturation and release those
toxic metals directly into the water table". My question,
how long would this take to develop and how much toxic
metal would end up in the water table?

For page 2-16 of the EIS, the ground water study
shows, "Unsafe concentrations of several metals, chiefly
lead, and the wells at BLM headquarters and the Red River
Fish Hatchery beyond the New Mexico standards. These
wells are directly down gradient from the existing
tailings." Doesn't this suggest the tailings are
presenting polluting the water table?

With the herein examples, we oppose the Guadalupe

Q-45 Please refer to Responses to Comments 48-16, 62-2, 63-5, and 64-7. (The transcripts erroneously show quotation marks in the statement.)

Q-46 Based on local groundwater movement, neither the water quality at the BLM headquarters well, nor the Fish Hatchery springs, could be directly attributable to the existing ponds. (The transcripts erroneously show quotation marks in the statement.)

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1 site and any other site except the abandoned pit at the
2 mill site, provided it proves to be environmentally safe.
3 This alternative would eliminate the blowing dust, pipe
4 spills in the Red River and save an unspoiled wilderness
5 in the Guadalupe. We insist Moly abandon the present
6 tailing site. It must be sealed and reclaimed as soon as
7 possible because of potential health hazards. Thank you.

8 HEARING OFFICER FOX: Thank you. George Weiss,
9 please.

10 MR. WEISS: My name is George Weiss, P.O. Box
11 1007. I'd like to challenge two conclusions reached by
12 the preparers of the Draft EIS. The issue of air quality
13 degradation from wind blown dust from the tailings piles
14 was not addressed adequately. First of all, data were
15 poorly collected from 1978 till 1985. The number of
16 samples collected were below the recommended level. Also
17 the PM-10 monitor which is the proper monitor for
18 detecting inhaleable dust particles was never used at the
19 tailings ponds. This type of PM-10 monitoring was even
20 recommended in the letter written August 19th, '85 by Mr.
21 Chapin of Unical to the EID. However, proper monitoring
22 was never conducted from the list. Violations of Federal
23 and State clean air standards were recorded by both EID
24 and Molycorp. In fact, in several New Mexico EID
25 correspondence studies and memos air quality violations

Q-47

The air quality analysis used available data collected in the Questa area by the New Mexico Environmental Improvement Division (EID) and the data meet EID quality assurance requirements. Small fraction particulates were collected during the 1984 EID special study. These data are included in the Air Quality Technical Report which is on file at the BLM.

Q-47
Cont.

1 and health hazards were noted.
2 I was going to quote from an interoffice memo
3 dated March 28th, 1985, but that was already referenced by
4 Mrs. Vigil. Therefore, I challenge the conclusion of the
5 Draft EIS and the contracted preparers. Secondly, I
6 question the conclusion of the Draft EIS regarding visual
7 degradation. The photo in the EIS, Figure 3-4, shows a
8 view from the north. Instead the EIS should address the
9 view from the west, for instance, from the highway across
10 from the high school. Thank you.

Q-48

11 HEARING OFFICER FOX: Thank you. Ruth Vigil,
12 please. Ruth Vigil?

13 MS. VIGIL: My name is Ruth Vigil. I am from --
14 my post office box is 41, Cerro. I'm a native of Cerro
15 and will probably be here till I die. This is my home and
16 like many other -- like any other form of life, I want to
17 protect what I feel is being threatened. All of this may
18 be insignificant to you because you don't live here. We
19 do, and it is our lives you are dealing with. This is not
20 a game of who wins or loses, but an issue of endangering
21 people's lives and the many kind of wild life species that
22 depend on the Guadalupe for survival.

23 If you look back there have occasions in New
24 Mexico where good land and good lives have been effected
25 by waste dump sites, the recent in Silver City area for

Q-48

The Draft EIS analysis states that visual effects would be significant. The visual analysis investigated the proposed project from all perspectives, including from the highway near the high school. In keeping with BLM Visual Resource Management (VRM) System procedures, three key observation points (KOPs) were selected to represent the most sensitive or most affected views of the project. Figure 3-4 in the Draft EIS illustrates only one of the three KOPs analyzed in detail, but it represents the one that would realize the greatest visual effect.

1 example. This is what is happening here in Questa today.
2 Now, Molycorp wants to extend the devastation to Cerro.
3 We, as people of these surrounding areas, have learned to
4 cope and live through what has been done. We say no to
5 the Guadalupe site. Why should we wait until our children
6 are critically ill. It has happened before in other
7 places like Questa. We speak now even for those who have
8 been mislead into thinking toxic waste does not exist at
9 the present site.

10 Economic-wise it may be good, but for how long,
11 till Molycorp can't turn over a profit. Then they close
12 up shop and move on and we, the natives, are left to deal
13 with the ugliness of the scarred mountain. The issue here
14 is not money, but of protecting the health and environment
15 for ourselves and future generations. If money is the
16 issue, there are other ways for this community to prosper
17 by showing off the beauty land, not by dumping toxic waste
18 here. You have poisoned our Red River and clean air, and
19 documentation indicates some of the drinking water has
20 been contaminated. And yet you are willing to poison and
21 destroy more of our resources. We don't want a dump site
22 in the Guadalupe Mountains. We don't even want the
23 existing waste dump, but it is too late for that.

24 What should be done now that would benefit
25 everyone is to cap the present site and stop the

Q-49

Q-49 See Section 3.14 of the Draft EIS for an assessment of risk to human health.

1 destruction. This issue is very critical for everybody
2 who lives in these areas. People like you go home to your
3 clean communities, but we stay here to face the
4 devastation that awaits. It will never go away. This is
5 a lifetime scar we have to live with. Who the hell in
6 their right mind would want to come here to vacation and
7 enjoy the wild rivers? Nobody.

8 My family has birthday parties and holiday
9 gatherings at the campgrounds adjacent to the Guadalupe.
10 This is our backyard. Who wants a yard full of toxic
11 waste? We don't. We the people of these surrounding
12 areas, have considered this land ours and rightfully, it
13 should be. Our ancestors left these mountains here for us
14 to prosper by them, not to be killed by them. Our
15 ancestors lived off this land very much the same way we
16 would like to. But, no, we can't go in there to gather
17 and down wood to keep our families warm. But, yet you can
18 turn around and practically give this valuable land to
19 some company who could care less to what happens to the
20 environment and the people.

21 In closing, I want to say no to MolyCorp's
22 proposal to construct a waste dump in the Guadalupe
23 Mountains, no to the present site and no alternatives.
24 Stop the destruction.

25 HEARING OFFICER FOX: I think it's Joe Vigil. I

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1 may have the first name wrong.

2 MR. VIGIL: Members of the panel, friends and
3 neighbors, my name is Joe Vigil. My address is P.O. Box
4 41, in Cerro. I represent myself and the community of
5 Cerro. And I support the group opposing Molycorp's
6 proposal to construct a waste dump in the Guadalupe
7 Mountains. As a native son of the community, I am opposed
8 to Molycorp's destruction of our cultural values among
9 other environmental issues that are enacted by the waste
10 dump.

11 Cerro for the most part, has been a farming,
12 ranching community. To present, some people still rely on
13 the land for most of their survival needs. Must we stand
14 by and let big industry ruin that part of our culture and
15 our traditions? Today happens to be a very special day in
16 my life. My son, Markadio, was born eight years ago and
17 my wife and I did not attend his birthday party today. We
18 were too busy trying to insure that he has many more
19 birthdays.

20 I would like to pass on to him some of our
21 culture and our traditions. As a young boy, I used to
22 herd my grandfather's sheep in and around the Guadalupe
23 Mountains. To date, I still visit some of those sites
24 where I used to play cars. I did not have fancy toys but
25 there were empty carton boxes available. After a military

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1 career that expanded twenty years, I came back to my home
2 town to find my beloved Guadalupe Mountains in jeopardy of
3 being destroyed.

4 The cultural studies that were done in 1984 at
5 the BLM's request as stated on page 2-36 of the EIS, were
6 field studies done of prehistoric dinosaurs, six thousand
7 years or so ago. What about the cultural ties right in
8 the community? Our own Catholic church in Cerro, Our Lady
9 of Guadalupe Church was named after and settled in
10 Guadalupe or the Guadalupe Mountains.

11 To date, religious pilgrimages and ceremonies are
12 still performed by the Hermanos de la Morada at the foot
13 of the Guadalupe Mountains in Cerro. The cemetery where
14 most of my forefathers are buried is also located at the
15 foot of the Guadalupe Mountains in Cerro. All of these
16 factors are part of our cultural background and
17 traditions. They are not mentioned anywhere in the EIS.
18 It seems to me there is a great deal of loss of respect
19 for these traditions.

20 In closing, I want to encourage and urge people
21 from Cerro to speak up and help preserve our cultural and
22 religious ties with the Guadalupe Mountains. I also want
23 to encourage everyone here to read Time Magazine's issue
24 dated January 2nd, 1989, the article on endangered earth.
25 And remember, folks, what the great John F. Kennedy once

Q-50

Please refer to Figures 1-2 through 1-5 in the Draft EIS. The project would have no notable effect on any activity occurring at the foot of the Guadalupe Mountains in Cerro, nor on the cemetery nearby. Project facilities would not be visible from Cerro. Project-related noise would generally not be audible from Cerro except, possibly, for muffled blasting sounds during construction.

Q-50

1 said, "Ask not what your country can do for you. Ask what
2 you can to do for your country". Thank you.

3 HEARING OFFICER FOX: Then next speaker is Andrew
4 Velasquez.

5 MR. VELASQUEZ: I'm Andrew Velasquez, Post Office
6 Box 678, Voralles (phonetic), New Mexico, and I'm a former
7 employee of Molycorp. My position at Molycorp was water
8 analyst and that's what my position is in Albuquerque.

9 I've worked for a firm in Albuquerque as a water analyst
10 also But to say this, I have the experience and the
11 background of what Molycorp did in their discharge waters
12 and the metals mentioned here tonight. And I know their
13 concentrated levels of those metals that were discharged.
14 And I always look back to what I'm doing in Albuquerque
15 for a different companies there and I look at their levels
16 and I always look back at Molycorp. And I say, Molycorp
17 was an angel compared to what I see here.

18 And I know that Molycorp cares about the
19 environment because I've seen. And if people don't agree
20 with me, that's up to them But that's the way I feel
21 because I have the experience and the background. I see
22 the history of Molycorp and I believe in them. And I
23 stand behind them.

24 HEARING OFFICER FOX: Thank you. Lloyd Varela?

25 MR. VARELA: My name is Lloyd Varela. I'm a

1 Commissioner for the Questa Citizens Association. As a
2 Commissioner, it is my duty to insure that the quality of
3 water that feeds our us at Questa is safe for irrigation
4 of our crops and for our livestock use. In the past,
5 since the mine began operations, Molycorp has had
6 approximately fifteen tailing spills into the Red River
7 which feeds our Asacius (phonetic). One question I have
8 is, in the event that the mine does reopen what
9 precautions or procedures does Molycorp plan to implement
10 to reduce, if not eliminate such spills in the future into
11 our water systems? Thank you.

HEARING OFFICER FOX: Thank you. Gilbert Segura?

12 MR. SEGURA: Thank you, Mr Chairman. I am
13 Chairman for the Citizens for Approval of the Disposal
14 Site. I represent approximately -- over two thousand
15 persons. Ladies and gentlemen, my name is Gilbert Segura
16 a native of City of Cerro, County of Taos, State of New
17 Mexico, P.O. Box 73, Cerro, New Mexico.

18 Mr Chairman, first of all I want to give a
19 little history of the Guadalupe Mountains. The Guadalupe
20 Mountains at one time, was the provider for all the people
21 of this area. It provided shelter, wood and food for
22 ancestors and for our families. When the outsiders came,
23 then we started to lose these privileges little by little.
24 Now, we cannot cut fire wood. We cannot graze our
25

Q-51 See Response to Comment 63-2.

60

1 cattle, our sheep. We cannot even hunt in the area, not
2 only in the Guadalupe Mountains but in the surrounding
3 areas. In some areas, we cannot even get in.

4 Mr. Chairman, once again the Guadalupe Mountains
5 are ready to provide for our people by offering job
6 opportunities so that the people can provide food and
7 shelter for their families and by allowing some of our
8 native sons to return once again to our land where they
9 were born.

10 Mr. Chairman, after reviewing the Guadalupe
11 Mountain EIS report, with over fifty other persons, we
12 concluded that the environment will not -- will be only
13 minimal effected and this project will not have much
14 effect on the environment. As for health concerns, Mr.
15 Chairman, I will tell you that I was employed at
16 Technistands (phonetic) for over twenty years, eight years
17 in Arizona and over fifteen years right here in Questa. I
18 worked with many others here and none of those ever
19 experienced any health problems due to dust or any other
20 chemicals.

21 As part of my job, I monitored and sampled water
22 from the lake where Molycorp kept trout for the water
23 discharge into the Red River. And at no time did I find
24 anything with the water or fish. I find more things wrong
25 with the pollution in our area that is caused by sewer,

1 trash, garbage, that is being dumped into the rivers by
2 visitors and rafters.

3 (Applause.)

4 HEARING OFFICER FOX: Okay, let's have order,
5 please. Go ahead, Mr. Segura.

6 MR. SEGURA: Mr. Chairman, we all know about the
7 many benefits we have lost in wages, health insurance and
8 taxes. I have a letter from the County Assessor's office
9 with some interesting figures. If I may, Chairman, I will
10 read it. "Mr. Gilbert Segura, Cerro, New Mexico. Dear

11 Mr. Segura, as per your request to the Taos County
12 Assessor's office, this letter is intended to assist you
13 in understanding the possible effects of the reopening of
14 the Moly mine on the public of Taos County and more
15 particularly on the residents of the Questa School
16 District.

17 It is somewhat difficult to determine the actual
18 facts of the mine reopening due to the fact that we do not
19 know what the present -- what percentage of operation they
20 intend to reopen. We will, however, attempt to give you a
21 history of what Moly mine did contribute to Taos County
22 when they were in full operation. As of 1985, Moly mine
23 was contributing approximately sixty-eight percent of all
24 taxes in the Questa School District. It is the opinion of
25 the Assessor's office that had the Moly mine remained

1 open, Questa school meal levy would have been free meals
2 as opposed to the current 10.379 meals.

3 It is also the opinion of the Assessor's office
4 that should Moly mine reopen and eventually go into full
5 operation the tax burden for the Questa School District
6 will shift from the local property owners back to a three
7 or four mill levy. Sincerely."

8 Mr. Chairman, Molycorp needs the mountains,
9 mountains for disposal sites to continue the operations in
10 the future. They need long time range planning so that
11 they can survive, so that they can continue to operate and
12 provide jobs for the people in this area. They cannot
13 operate in a period of eight years and be able to continue
14 in operation. They need twenty to twenty-five years of
15 time and they need the site. The site belongs to the
16 people here in Cerro and I think this Guadalupe Mountain
17 is now ready again, to provide jobs for the people.

18 In view of this, Mr. Chairman, I and fifty other
19 persons have started a petition to endorse the proposed
20 Guadalupe tailings disposal site. It is not a house to
21 house drive. The forms were in business places and in
22 public. There was no pressure to sign them. Factual
23 material was available on the site. The response of the
24 people was tremendous.

25 Therefore, Mr. Chairman, I submit these petitions

1 with a request that you also support Molycorp on this
2 project. Thank you very much for your consideration and
3 assistance concerning these petitions and if this project
4 is approved, we respectfully request that a committee of
5 five persons be established to review the tailings
6 operations periodically, one company employee, one from
7 the Bureau of Land, one from the State EID and one from
8 Cerro and one from Questa. That Molycorp file a
9 reclamation bond and that if the Questa mine is sold, the
10 new company accept all liability. And that the last
11 request is that local residents be allowed to salvage the
12 firewood in a fair and equitable manner.

13 HEARING OFFICER FOX: Thank you, Mr. Segura. The
14 next speaker is Michael -- I'm having a problem with his
15 last names. Looks like M-U-G-R-A-T-T-S.

16 (Inaudible)

17 HEARING OFFICER FOX: All right, Michael. The
18 next speaker is Charles Roybal.

19 MR. ROYBAL: Mr. Hearing Officer, my name is
20 Charles Roybal and I represent the New Mexico Mining
21 Association. Our address is 527 -- P.O. Box 527, Santa
22 Fe, New Mexico. Mr. Hearing Officer, the New Mexico
23 Mining Association is an organization of over six hundred
24 members throughout the State. One of the central premises
25 of our organization is the advancement of mining in a

1 sound ecological manner. Mr. Chairman, I rise mostly to
2 announce that we will be submitted written comments to the
3 EIS supporting the proposed action and the permitting of
4 MolyCorp's facility in this area. After a preliminary
5 survey of our membership, which includes many technical
6 experts throughout this State, including many of our
7 educational institutions such as the Bureau of Mines, and
8 Mineral Resources Sicoro, it's our finding that the
9 proposed action can go forward and we feel that can be
10 supported. We intend to document that in writing by the
11 deadline which is February 9th. Thank you, Mr. Chairman.

12 HEARING OFFICER FOX: Thank you. Gus Espinoza.

13 MR. ESPINOZA: Mr. Chairman, my name is Gus
14 Espinoza, Box 826, Questa, New Mexico. I am here to
15 represent Kit Carson Electric Co-op in Taos and I am here
16 to read a resolution passed by the Board of Directors at
17 the Kit Carson Electric Co-op. And it goes like this.
18 "Kit Carson Electric Co-op, Incorporated, Taos, New
19 Mexico, Resolution.

20 Whereas, MolyCorp, Incorporated, Moly, has been a
21 major industrial consumer of Kit Carson Electric Co-op,
22 Incorporated for many years, and

23 Whereas, Moly, because of it's investment in
24 equipment has substantially improved its load factor
25 thereby involving the load factor of the entire Kit Carson

1 Electric system which results in a reduction of the
2 overall electric costs to the consumers of the
3 cooperative, and

4 Whereas, it is the understanding of the Board of
5 Trustees of Kit Carson Electric Co-op that Moly may resume
6 it's mining operations depending upon acquisition of a
7 permit for a Guadalupe Mountain tailing site, and

8 Whereas, Kit Carson Electric received
9 approximately two hundred and seventy thousand dollars in
10 margins per year under the Moly contract which is
11 scheduled to expire in 1990 if Moly does not commence
12 operations, which margins presently contribute to the
13 financial well being of the cooperative, and

14 Whereas it would then be necessary to recover the
15 approximately two hundred and seventy thousand in margins
16 per year from the remaining consumer classes,
17 residents, small commercials, large commercials, et
18 cetera.

19 Therefore, be it resolved that that Board of
20 Trustees of Kit Carson Electrical Cooperative, Inc. go on
21 record in support of Moly reopening its mining operations
22 and strongly urges that the Bureau of Land Management
23 grand the Guadalupe Mountain tailings permit to Moly,
24 subject to applicable rules and regulations pertaining to
25 environmental standards as resumption of the Moly

1 operation is beneficial to the Taos County citizens and to
2 Kit Carson Electric Co-op, Inc. and it's consumers. I
3 Cristmont Regon (phonetic) Secretary of the Board of
4 Trustees of Kit Carson Election Cooperative hereby
5 certified that the above is a true and correct copy of the
6 resolution approved by the Board of Trustees of Kit Carson
7 Electric Co-op on the 29th day of December 1988 at which
8 meeting a quorum was present".

9 Thank you, sir.

10 HEARING OFFICER FOX: Thank you. David Costanza?

11 MR. COSTANZA: My name is David Costanza and I'm
12 -- my address is 629 North Star Route. I'd like to add a
13 few quotes and facts from the EID to the record as far as
14 air quality, effects of the reopening of the mine at the
15 Guadalupe site. The first has to do with a request by the
16 EID for more air quality studies. This is from John
17 Viewmont (phonetic), Cecilia Williams and Gordon Venable
18 (phonetic) and it says, "The Environmental Improvement
19 Division's comments on the draft concluded Environmental
20 Improvement Division's -- concluded that a full
21 environmental impact statement would be necessary. We
22 recommend that the Molycorp impact area be considered as a
23 potential Federal non-attainment area under the Clean Air
24 Act, requiring extensive supplemental research. Adequate
25 detailed, bonded, mandatory mitigation by site reclamation

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1 for both the new and old sites must be guaranteed before
2 approval of the project. A section of the final EA
3 dealing with the existing air quality is inaccurate."
4 That's from the EID.

5 I'd also like to add that in the existing EIS
6 that it suggests that the Questa High School site is
7 located along the northeast of the existing MolyCorp
8 tailings disposal area and is significantly impacted by
9 wind blown dust from the tailing during strong
10 southwesterly winds. Considering this, the EIS still
11 gives wind reports showing only eight months of wind
12 testing. I'd like the BLM in the final report to -- I'd
13 like them to refer to this specifically and -- in terms of
14 whether or not this is sufficient testing to decide
15 whether the Guadalupe site will be safe as far as air --
16 future or air borne health.

Q-52

Q-52 The adequacy of available meteorological data is addressed in Response to Comment 27-3.

17 This is from the EID, "Ten violations of the
18 state twenty-four hour TSP standard are also ten
19 exceedences of the Federal secondary national ambient air
20 quality. Of the ten exceedences of the secondary twenty-
21 four hour national ambient air quality standards, there
22 were five violation that have occurred since 1979.
23 Therefore, this area is shown by monitored data and may
24 presumably to be shown for air quality modeling to exceed
25 the secondary national air quality standards for total

Q-53

Q-53 Predicted air quality exceedences are addressed in Response to Comment 48-6. It is the responsibility of New Mexico EID and the EPA to determine attainment status; BLM is not authorized to do so.

Q-53
Cont.

1 suspended particles. This showing constitutes a
2 demonstration sufficient to support a determination and
3 designation of a Federal non-attainment area for
4 particulate concentrations about the State and Federal
5 standards and does not represent excellent air quality or
6 well within State and Federal standards which the EIS
7 suggests in its report."

8 All of the testing in Questa, that the Questa
9 High School was done with a single monitor. The EID
10 suggests that testing done with a single monitor, in order
11 for a test to measure a violation, several event must
12 coincide. The wind must blow in the right direction from
13 the source of the particulate matter to the monitor at the
14 same time the particulate matter is being emitted. In
15 most cases, the likelihood of this is very low, of the
16 monitor being at the right place at the right time to
17 detect an exceedence.

18 The likelihood of a single monitor picking up the
19 maximum concentration is very low. Therefore, when a
20 single monitor does pick up an exceedence of the standard,
21 it is indicative of the high potential for even higher
22 concentrations somewhere else and the high potential for
23 unacceptable frequencies of exceedences. Due to the lack
24 of even a minimum of legally and scientifically air
25 quality analysis on the draft and final environmental

Q-54

The procedure to determine the magnitude of tailing emissions and their impact is discussed in great detail in the Air Quality Technical Report which is on file at the BLM. The modeling of the new tailings site included a wide array of receptors to be certain of finding maximum impacts.

Public Hearings - Questa

Response to Comment

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1 assessments, the EID conducted some preliminary analysis
2 of their own.

3 These analysis suggested reasonable concerns that
4 under high wind conditions, the proposed Guadalupe
5 Mountain disposal site, in conjunction with the existing
6 tailings facilities would cause twenty-four hour average
7 ambient particulate concentrations as high as three
8 hundred and forty-five micrograms per cubic meter in the
9 town of Questa. This is in exceedence of the standard.

10 MR. HOFFMEISTER: One minute, David.

11 MR. COSTANZA: All right. I'd like to add to the
12 record that effects and levels of PM-10 which is the new
13 Federal standard for monitoring the air particulate
14 matter. The PM-10 unlike the TSP^p levels is a considerable
15 health effect as opposed to just a nuisance. In regard to
16 the proposed Federal PM-10 primary national air quality
17 standards for particulates, which is linked even more
18 directly to the deeply inhaleable, very fine particles of
19 acute concern in terms of serious health threats, the
20 tailing particulates remain a serious concern.

21 The tailings in large proportion, are
22 considerably finer than most local soils and will most
23 certainly present a large significant proportion in the
24 haleable size range. These fine particulates can become
25 airborne more readily at low wind speeds and remain

1 airborne longer than large dust particles. This refutes
2 what is done in the EIS which suggests -- which does a
3 proportion based on a national standard to figure out its
4 PM-10. No PM-10 was monitored with a machine in the
5 Questa area.

6 I would like to request that serious and reliable
7 and scientific air testing be done on the Questa level to
8 determine a safe level, rather than suggesting from
9 modeling when there is not need for modeling when Questa
10 already has a considerable airborne fugitive emission
11 violator in its city. Thank you.

12 HEARING OFFICER FOX: Thank you. Roger Beimer?

13 MR. BEIMER: Mr. Chairman, my name is Roger

14 Beimer and I represent the New Mexico Electric Cooperative
15 Association. Our headquarters are in Santa Fe. I would
16 like to read a resolution that has been unanimously passed
17 by our Board of Directors.

18 "Whereas, Molycorp, Inc. has indicated a desire
19 to reopen its mining operations in northern New Mexico,
20 and

21 Whereas, Molycorp is a member of Kit Carson

22 Electric Cooperative and has indicated it will continue to
23 be a member of and purchase electricity from the
24 cooperative, and

25 Whereas, such purchases to the economic well-

1 being of Kit Carson and contribute to the overall
2 financial standing of the cooperative, employees, members
3 of the cooperative and affiliated organizations, and

4 Whereas, by reopening such operation, Molycorp
5 would again provide jobs and economic development to an
6 area of northern New Mexico that has been suffering
7 economic stagnation since the cessation of operations,

8 Therefore, be it resolved by the Board of
9 Directors of the New Mexico Electric Cooperative
10 Association representing consumer owned utilities from
11 across the State go no record in support of the
12 anticipated reopening of Molycorp operations and strongly
13 urge that the United States Bureau of Land Management
14 grant the necessary permits at the earliest possible time
15 subsequent to Molycorp's filing of documentation which
16 outlines the company's intent to meet or exceed all
17 environmental standards as established by applicable rules
18 and regulations of the appropriate local, State and
19 Federal agencies.

20 Be it further resolved that the Board of
21 Directors of NMRECA by unanimous passage of this
22 resolution, request that a copy of same be made a part of
23 the record of the scheduled proceedings in Taos County and
24 that a copy of this resolution also be forwarded to
25 Interior Secretary Designate Manual Duhan (phonetic.)

1 Adopted by the NMRECA Board of Directors at a regular
2 meeting on January 6th of 1989".

3 HEARING OFFICER FOX: Thank you. I'm having
4 trouble reading the last name of the next speaker. It's
5 Lupe and it's Post Office Box 168 in Questa.

6 MR. YOUNG: My name is Lupe Young. I prefer to
7 send my comments by mail. I would mention that I hundred
8 percent agree with what Mr. Gilbert Segura's petition
9 contained and I will send my further comments to the BLM.
10 Thank you.

11 HEARING OFFICER FOX: Thank you. Robert Vigil?

12 MR. VIGIL: My name is Robert Vigil. My box
13 number is 333, Questa. And I represent the concerned
14 citizens here in Questa and some of its members are mere
15 children. And I can say that I can look at you straight
16 in the eye and that I can present the concerns of your own
17 children here because a lot of us have been either
18 unwilling, unable or for whatever reason able to bring
19 these issues, these concerns to this hearing. And,
20 concerning health effects, maybe some of your children are
21 the ones that are suffering as a result of this impact.

22 There was a survey done -- petitioned by the
23 students back in '81 complaining of eye irritations,
24 breathing problems, general health, scratching of contact
25 lenses, skin irritations and the classrooms had been

1 disrupted as a result of the impacts from the tailing
2 dust. Maybe some of you are paying the medical bills that
3 Molycorp is responsible for. And I sympathize for all of
4 you that think that because you can come and endorse a
5 Guadalupe site, that it's going to open.

6 A lot of us know that they are in violation of
7 State, Federal standards in the air quality levels and BLM
8 cannot issue a permit under those conditions. And,
9 further I realize that we are in a depressed area and all
10 of us need a job. And, if I could take you back to 1968
11 and if this whole situation would have been done right,
12 yes, today we could come here and we could get a job and
13 this would be a paradise place. We could have jobs and we
14 could have clean air and clean water.

15 And let me just recall from your memory back in
16 '78 most of us were eating -- I wasn't there but some of
17 you might have been there eating -- celebrating with
18 Molycorp. Let me refresh your memory, Turquoise Lake. It
19 goes to say when industry cares, the public benefit
20 results. Take the July 4th opening of Turquoise Lake to
21 public fishing. Just a few years ago, Turquoise Lake did
22 not exist. It now represents a major new recreational
23 facility in New Mexico. Clean quality controlled water
24 has been a prime concern to Molycorp since extended mining
25 operations began. Turquoise Lake has been stocked with

1 trout for nearly two years in preparation for dedication.

2 Maybe some of you ate fish from there. Some of
3 you remember picking up a dead fish from the pond before
4 the grand opening. Definitely this tailing material is
5 hazardous to life, and maybe you won't be effected, but
6 your children might. And I pray that they won't. A
7 problem here is that the concerned citizens have been --
8 have been labeled as a radical group. And we have not had
9 a lot of support from the local community, but I know that
10 if you knew the facts, you would get involved to address
11 this problem. And I endorse the efforts from other
12 concerned parties outside the community who have come here
13 to express concerns and try to help your children.

14 Further, we complain that the economy is pretty
15 bad here in Questa. And yet we have a bond issue coming
16 up pretty soon and we continue to vote for increases taxes
17 to build unnecessary buildings that we think are going to
18 help the education of our kids. Does that make sense?

19 HEARING OFFICER FOX: One minute, Robert.

20 MR. VIGIL: Finally I want to conclude by saying
21 that the concerns of the children, the impacts of Molycorp
22 since the last twenty years have not been addressed in the
23 EIS statement. And I recommend that before any further
24 proceedings in this issue occur, that BLM require a bond
25 that will require Molycorp to start addressing this

1 problem or in the event that this bond be used to begin
2 addressing the problems that effect the health and well-
3 being of the community.

4 Thank you.

5 HEARING OFFICER FOX: Nat Wilson, please. Nat
6 Wilson? Is Nat Wilson here? All right. John Gaillour?

7 MR. GAILLOUR: Thank you, Mr. Chairman. My name
8 is John Gaillour. My address is Box 559, Questa. I am
9 the Mayor of Questa. I had not planned on making any
10 public comments tonight, but in light of what I've heard,
11 I'm compelled to say a few words. Up until tonight, I
12 thought that I represented the voters of Questa. However,
13 it seems like we have people from many areas all over the
14 place out that feel they represent Questa.

15 You know, a funny thing is that I've been in
16 Questa for awhile and you know, I just didn't move here
17 recently like some of our previous speakers that move into
18 one of the surrounding areas, get a Questa post office box
19 and start calling myself a Questano. I would like to say
20 to you now and some of you may disagree, but from the
21 comments that have been made to me in the past regarding
22 this whole situation is that I say to you now that the
23 comments -- the majority of the comments that I have heard
24 here tonight, do not reflect the feelings of the majority
25 of this community.

Public Hearings - Questa

Response to Comment

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1 And for the record, I would like to emphasize
2 that these are my personal feelings right now and I resent
3 outsider and I quote "outsiders" coming in here and
4 telling us what's good for us and telling us what to do.
5 Again, some of you may not agree with these views, some of
6 you might.

7 HEARING OFFICER FOX: Excuse me, Mayor. I would
8 please request you hold your applause down, let the man
9 speak. This is a formal public hearing. Let me repeat
10 that.

11 MR. GAILLOUR: Thank you, Mr. Chairman. I want
12 to keep my comments short. For the record, I would like
13 to state that a meeting will be scheduled for the village
14 of Questa on January 31st, 1989 at 7:00 p.m for the
15 purpose of allowing the governing body of this
16 municipality to inject comments on the Guadalupe Mountain
17 environmental impact statement. I also feel that this is
18 the proper format for the elected representatives of this
19 community to make their views known to both the Bureau of
20 Land Management and MolyCorp. Thank you.

21 HEARING OFFICER FOX: Thank you, Mr. Mayor. May
22 I have order here, please? Thank you very much. Ron
23 Gardiner, please. Mr. Gardiner requested to return to the
24 stand to use up the last two minutes of his time. Go
25 ahead, Mr. Gardiner.

1 MR. GARDINER: I'd like to use my five minutes
2 completely. I believe if you don't use your democracy,
3 you lost your democracy. I'm sorry for Mr. Gaillour's
4 comments. I'd like to feel that we all have a home here
5 regardless of where we come from, as long as we
6 participate in the community and I would like to speak to
7 the matter of truth.

8 I don't judge truth. You don't judge truth.
9 Truth sits out there all by itself. I'd like to read from
10 an article that was rather suppressed. "The saying goes
11 that those who don't learn from the mistakes of history
12 are doomed to repeat them. Unical has created a bold lie
13 that the approval of the tailings pond and the mine
14 reopening are connected." Mr. Shoemaker admits ten more
15 years of use in the existing ponds. More truthfully there
16 is eighteen years left. More importantly, when it suits
17 him, he readily admits the continuing price of Moly. When
18 the carrot was offered, will you line up to sell out at
19 the price of your health your children's health and the
20 future of the community?

21 The truth is the tailings pond at the Guadalupe
22 Mountains gives Unical, not Questa a more attractive asset
23 for resale. Reopening is neither probable or practical
24 from Unical's situation. This California corporation has
25 used Questa's resources, polluted our river, tried to

1 break out union, scarred your landscape, abandoned your
2 workers and fouled your air.

3 In short, Unical has progressively turned the
4 beautiful mountain village of Questa into an industrial
5 dump, and a dependent of the table scraps they choose to
6 drop when they need renewed loyalty. You'd think that the
7 move would have had more impact here at home. After three
8 years of silence, Unical does not treat the community with
9 respect, but rather threatens withhold the possible
10 reopening until they get what suits them, what they want.

11 They get our natural resources at five dollars an
12 acre. What other business man here has that special
13 privilege? Their financial pull in Kit Carson has said
14 little to the public about rate hikes. It now holds a
15 hammer over our heads rather than open up the discussion
16 of alternatives. The wild and scenic river park in Cerro
17 and Questa has had thirty-one thousand visitor a day in
18 1988, more than many local ski areas and yet we're ready
19 to dump in it and on it. Moly as a product, on the
20 backside of technology and problems.

21 Unical would sell in a second to investors
22 interested in manipulating the market of moly and further
23 driving down the price and the future of Questa. Questa's
24 worker represent seventeen percent of the work force yet,
25 Questa is the proud owner of a hundred percent of the

1 impacts and the pollution. Getting back to the truth, who
2 of you would drink from the Red River between the mine and
3 the fish hatchery?

4 The truth sits out there in the river. It is one
5 thing to be lied to constantly. It is another to be what
6 people wish you to be. The impacts have been made and
7 they're around for people to see. And what happens to the
8 least of us, happens to all of us. Thank you.

9 HEARING OFFICER FOX: Thank you. Was there
10 anyone else that registered that has not been given an
11 opportunity to speak? Was there someone else that would
12 like to come up here and register at this time and speak?
13 Yes, just come forward. You can sign on my sheet. Enter
14 and sign in please.

15 MR. YOUNG: My name is Robert Young. My post
16 office box is 103, Red River. And I can't believe what
17 I'm hearing here tonight. There's hundreds of us that
18 need to get back to work. And we're just as concerned
19 about the environment as anybody, you know. I mean, us
20 guys have worked here at MolyCorp -- I've been here
21 thirteen years. We've always been concerned about the
22 environment and you guys in the back, you know, how we
23 tried like hell not to have tailings breaks and -- but I
24 don't think we've done anything to be ashamed of. I think
25 the tailings breaks that we did have were nothing compared

1 to the natural mud slides into the river. When there was
2 a leak, we got it right away. There was never very much.

3 The tailing themselves, they're -- you know,
4 people make is sound so bad but silica and calcium and
5 aluminum, those are the major constituents of any rock or
6 dirt anywhere. And the levels of lead and, you know,
7 heavy metals are not that bad. They're -- I mean we can
8 go out here in the parking lot and measure some lead and
9 some heavy metals but they're not that serious of levels.

10 The reagents are mostly organic reagents, diesel
11 oil. There's no ceiling threshold on diesel oil. It's
12 not toxic. Methanol alcohol and pine oil, they're not
13 that toxic --

14 HEARING OFFICER FOX: Please give the speaker
15 your attention.

16 MR. YOUNG: No tree agents of phosphate like what
17 people fertilize their gardens with, there was nothing
18 that was that bad, and the levels were like in tenths of a
19 pound per ton. And, they're absorbed by the Moly. I
20 don't think there's even detectible levels down here in
21 tailings water. And yes, I would drink out of the Red
22 River. I would drink the tailing water. My main point
23 is you know, I've read this EIS statement and then gone
24 over everything. And this study has gone on for years,
25 and there's been so many other studies on the tailings

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1 dust and everything else. There's a lot of us that need
2 to get back to work and I think this thing has been
3 studied to death. And I don't think anybody's ever found
4 anything that bad. So, I think we're making a big to do
5 out of nothing and I think any more studies would just be
6 a delaying tactic, you know, just put us out of work. So,
7 that's all I have to say.

8 HEARING OFFICER FOX: Thank you. Do we have
9 anyone else that would like to make a statement for the
10 record?

11 MR. MEDINA: Mr. Chairman, ladies and gentlemen.
12 My name is Frank Medina, Post Office Box 424, Questa, New
13 Mexico. I was born and raised in this community I'm a
14 former employee of MolyCorp. I'm also a public servant,
15 ten years in the Questa village and eight years on the
16 Questa School Board. I apologize for not having a
17 prepared statement but after hearing all the comments made
18 tonight, I felt that I had to make my comments heard.

19 I have attended all the public hearings held by
20 the BLM back in '86 and tonight. There have been a lot
21 of comments made. Some I agree, some I disagree.
22 Nonetheless, I respect those comments. But for the most
23 part, the majority of the people, my people that probably
24 were born and raised just like their fathers and
25 forefathers, have kept quiet and that bothers me. It

1 would give you the impression that they are against this
2 Guadalupe site. Having been a public servant for ten
3 years, this tailing dam issue has been big thorn on me.
4 I've dealt with it with a clear conscience. But, what I'm
5 going to say tonight you people are going to tell me once
6 and for all whether I am right or I am wrong.

7 A lot of people that have attended these public
8 hearings were born here just like their fathers and
9 forefathers. And no one loves their mountains, their
10 streams and their clean air more than they do. But we
11 also realize that Questa, New Mexico -- yes, ladies and
12 gentlemen, Questa, New Mexico is one of the few places in
13 the world where molybdenum can be found. What I say to
14 you, ladies and gentlemen, that this big beautiful valley
15 of ours is big enough for all of us. It's big enough for
16 Molycorp to come and extract their Moly, provide jobs, and
17 it's also big enough for us to enjoy our streams or our
18 mountains, our clean air and make a living.

19 I totally endorse Molycorp's efforts to acquire
20 the Guadalupe site. Thank you.

21 HEARING OFFICER FOX: Thank you. Is there any
22 other -- are there any other persons who would care to
23 make a comment for the record? Well, hearing none, I'm
24 going to declare the formal hearing adjourned. I do have
25 a couple of things I would like to say First off, you've

1 certainly all seen democracy here in action tonight.
2 People have differing views. Many of you did withhold
3 your applause for the speakers at my request. I
4 appreciate that. I would like to just say, this might be
5 the time for all of us to join in a round of applause for
6 American democracy.

7 (Applause.)

8 HEARING OFFICER FOX: Thank you very much. Good
9 night and God bless you.

10 (Whereupon, at 10:15 p.m. the hearing was
11 adjourned.)
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CERTIFICATE OF REPORTER

This is to certify that the attached proceedings

before: BUREAU OF LAND MANAGEMENT

In the Matter of: PUBLIC HEARING

RE: MOLYCORP GUADALUPE MOUNTAIN TAILINGS DISPOSAL FACILITY
ENVIRONMENTAL IMPACT STATEMENT

Docket No:

Place: Questa, New Mexico

Date: January 20, 1989

were held as herein appears, and that this is the
ORIGINAL transcript thereof for the files of the
Department.

Martin J. Lusk
Reporter

DUPLICATE

PUBLIC HEARING

RE: MOLYCORP GUADALUPE MOUNTAIN TAILINGS DISPOSAL FACILITY

ENVIRONMENTAL IMPACT STATEMENT

Saturday
January 21, 1989
Conference Room, Ramada Inn
Taos, New Mexico

The hearing on the above-entitled matter was held
pursuant to notice at 7:42 p.m.

BEFORE:

H. JAMES FOX, Hearing Officer

APPEARANCES:

ROBERT SANZ, ENSR Project Manager
SOPHIE SAWYER, ENSR Assistant Project Manager
ENSR Consulting and Engineering
1716 Heath Parkway
Fort Collins, CO 80524

MICHELLE CHAVEZ, Area Manager
Bureau of Land Management

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1

PROCEEDINGS

2

3

(11:10 a.m.)

4

HEARING OFFICER FOX: Thank you very much. Good

5

Morning, we will now begin the public hearing on the

6

Molycorp Guadalupe Mountain Tailings Disposal Facility

7

public hearings. It's the second of two hearings, first

8

being held last night in Questa, second being here in Taos.

9

I'm Jim Fox, I'm the Los Cruces District Manager for the

10

Bureau of Land Management. I'm here acting as Hearings

11

Officer because I have no part in the decision process. My

12

function here today is to conduct an orderly meeting, be

13

sure the speakers have a fair chance to give their

14

testimony and to make sure that the formal public record is

15

complete and as clear as possible. I'd like to go through

16

some ground rules which we will follow today. Those of you

17

that were at the hearing at Questa last night will find

18

these are the same rules we used last night. Many of you

19

have been to other governmental hearings, you'll find them

20

very familiar but let me go through them anyway just so

21

we're all starting from the same level of understanding.

22

As was stated previously the purpose of this

23

hearing is to obtain testimony on your views of this Draft

24

EIS and adequacy of the analysis of the EIS, and any new

25

Public Hearings - Taos

Response to Comment

5

1 data or information that you feel should be included in the
2 analysis. I want to reemphasize that the testimony received
3 at this hearing represents only part of the public comments
4 that will be considered. We will also consider all written
5 and other public comments received by February 9, 1989.
6 Let me just add for those of you that presented testimony
7 at Questa last night it will not be necessary for you to
8 repeat that testimony here today, that once will be
9 perfectly adequate for the record.

10 Let me go through some ground rules here. The
11 testimony schedule has been prepared from forms that you
12 were asked to fill out when you entered the room. If you
13 wish to testify and you've not filled out one of these
14 forms you may do so now there are forms available over here
15 at the registration table. Maria Martinez can help you.
16 Because of the number of people that wish to give testimony
17 today all speakers will limit their remarks to five minutes
18 or less, Alan Hoffmeister will be the Time Keeper, the
19 speakers will be given a signal when they have one minute
20 remaining, at that time they will be asked to bring their
21 remarks to a close so that we can stay within the time
22 frame. Again, please confine your statements to your view
23 on the MolyCorp Guadalupe Mountain Tailings Disposal
24 Facility. When your called upon to testify please begin
25 your testimony by stating your name, your address, and

1 organization if any you represent. This is an important
2 point, if you are reading from a written text, please
3 summarize the more salient parts of your testimony for the
4 record and then give your written text to the court
5 reporter Mr. Turk. Your written testimony will be typed
6 directly into the record in the same manner in which you've
7 written it, in the same manner as oral testimony. On
8 written statements you should also include your name, your
9 address, and organization that you represent if any. If
10 you have other exhibits you can mention them in your oral
11 testimony and give them to me and I'll make sure they're
12 made a part of the record as well.

13 This hearing format provides for one way
14 testimony. The BLM are the contract personnel here on the
15 panel will not engage in debate with the speaker or
16 dialogue except to this extent, the panel will listen to
17 testimony that there's something about the testimony that's
18 not clear. They have the prerogative of asking questions
19 to clarify the testimony so that the record is complete and
20 clear. In other words we want to be positively sure that
21 we understand the information that is being presented. Our
22 panel today consists of Michelle Chavez, who is the new
23 Area Manager here in Taos for the Bureau of Land
24 Management; Robert Sanz, who's the Project Manager for
25 ENSR; and Sophie Sawyer who is Project Manager for ENSR as

1 well. As I stated earlier BLM will accept public comments
2 on this Draft EIS through February 9, 1989. Now, I would
3 like to ask at this time if there is any questions about
4 the ground rule.

5 A VOICE: Yes, will you be allowing statements
6 that are not specifically about the Guadalupe site or as
7 opposed to -- well will you be accepting statements that
8 are not specifically the Guadalupe site like last night?

9 HEARING OFFICER FOX: I will try to keep the
10 statements remained to the Guadalupe site some -- its going
11 to be inevitable that some comments will stray slightly off
12 the topic probably, but I would ask your cooperation in
13 interest of time to limit your comments to the topic of
14 discussion. For example, comments on the Superbowl while
15 interesting in some other form would not be appropriate
16 here. Also, comments dealing with the a -- I think if I
17 get the gist of your question, comments for example dealing
18 with the patent process would not be germane here because
19 we're not dealing with that process.

20 A VOICE: Actually I was being more specific to
21 the possible -- raising of electric rates -- discussion
22 of -- opening of the mine. That seems to be specifically --

23 HEARING OFFICER FOX: Thank you. We will try to keep
24 the testimony germane. Let me just, let me just reemphasis
25 a couple of very important things. My main job here is not

1 to tell the speakers what their testimony should be, now I
2 realize that there are differences of opinion about this
3 project. We would like to have all view points heard.
4 Applause for the speaker or negative responses from the
5 audience are absolutely not appropriate. I would like to
6 ask your cooperation on that point. I will insist that the
7 speakers be given every opportunity to present their views
8 be clearly heard. I would like you to show them the same
9 respect and dignity that you would like yourself if you
10 were standing behind this lectern. May I ask for your
11 cooperation on that point? Now this is a large crowd in a
12 small room and perhaps there is something I've said that is
13 not absolutely clear. I would like to ask one more time
14 are there any questions about the ground rules before we
15 being the testimony? Alright. Let me just say one thing to
16 the speakers, I may mispronounce your name please
17 understand that this is not intentional I will try to do my
18 best. If I should mispronounce your name please correct me
19 and accept my apologies in advance. The first speaker is
20 Mary Humphrey.

21 MS. HUMPHREY: Quite a few people. I'm Mary
22 Humphrey, you can reach me at Post Office Box 6168, Taos,
23 and I'm speaking on behalf of Amigo Bravos. Amigo Bravos
24 is a citizen group, a non-profit group and our main
25 function is to conserve the wilderness qualities of New

T-1

T-1 See Response to Comment 28-1.

9

1 Mexico's wild and scenic rivers including the Wild Rivers
2 Recreation Area which borders on the Guadalupe Tailings
3 site. Our concern today and the issue I want to bring up
4 is in the BLM granting permission to or getting patent
5 permission for this site to Molycorp whether it might not
6 be at the same time in violation of the 1968 Wild and
7 Scenic Rivers Act. Okay. That is Public Law, I'll read it
8 to you. It's probably more interesting than me. Public
9 Law 90-542 enacted 1968, Section 1, Clause B, "It is
10 hereby declared to be the policy of the United States that
11 certain selected rivers of the nation which with their
12 immediate environments including surrounded mountains,
13 possess outstandingly remarkable, scenic, recreational,
14 geologic, fish and wildlife, historic, cultural or other
15 similar values shall be preserved in free flowing
16 condition. And that they and their immediate environments
17 shall be protected for the benefit and enjoyment of present
18 and future generations. The law further states that the
19 Congress declared through the established national policy
20 of dam or other construction at appropriate sections of the
21 rivers of the United States needs to be complemented by a
22 policy that would preserve other selected rivers or
23 sections thereof and their free flowing condition to
24 protect the water quality of such rivers and to fulfill
25 other national vital conservation purposes." If you read

10

1 down further in Section 7, Section A, it, the law states
2 that "no department or agency of the United States shall
3 assist by loan, grant, license or otherwise in the
4 construction of any project that would have a direct and
5 adverse affect on the values for which the rivers were
6 established." Okay? No department or agency of the United
7 States shall recommend authorization that would have a
8 direct and adverse affect on the values for which such
9 river was established. For the Rio Grande and the lower
10 four miles of Red River were one declared wild and scenic
11 in 1968 with implementation of the Wild and Scenic Rivers
12 Act. Okay? A note worthy of note, this last June we had a
13 twentieth anniversary celebration at the Wild Rivers Act.
14 And we could look upon the Guadalupe site cause right now
15 its a beautiful mountain site. With the construction of
16 the tailings dam up there you're going to be looking at a
17 four hundred foot dam overlooking the river. Alright. We
18 just think that in the final EIS the BLM needs to look at
19 the section of the code of regulations 3809 alright? which
20 states that "unnecessary and undue degradation" it gives a
21 definition it means a surface disturbance, it further
22 states, this in section K3809-5, where specific statutory
23 authority require the attainment a stated level of
24 protection such as in the California Desert Conservation
25 area, Wild and Scenic Rivers, areas designated as part of

T-2

T-2 See Section 1.4, Consideration of Alternatives, and Responses to
Comments 21-1 and 28-1.

the national wilderness system administered by the Bureau of Land Management and other such areas, that that level of protection be met. There's also been a further stipulation in the 3809 regulations which was made to specifically include the California Desert Conservation area which it is been shown in the regulation process of the BLM that could furthermore add to any area which would be governed by the Wild and Scenic River Act that the Bureau of Land Management Act shall be subject to the regulations in this part including the continuation of a plan of operations in a binding(phonetic) with respect to the land covered by the patent. It's just our position that the tailings site on top of the Guadalupe Mountain will impact the wild and scenic river the Rio Grande. It was found in the 1983 EA that at least three thousand six hundred acre feet, that's quite a bit of water, an acre foot is how much water will cover one acre the depth of one foot.

MR. HOFFMEISTER: One minute Mary.

MS. HUMPHREY: One minute okay. That thirty-six hundred acre foot of water will through discharge, ground water discharge, will make its way into the Rio Grande wild river and the Red River wild river contaminated with metallic elements. We think this is unnecessary and undue degradation and that the BLM should in their final EIS explore the relationship between the Wild and Scenic Rivers

T-2
Cont.

T-3

T-3

Extensive hydrologic and hydrogeologic studies conducted since the 1983 EA indicate that no surface or groundwater quality standards would be exceeded as a result of the proposed tailings project. Please refer to Responses to Comments 27-2 and 48-16.

12

1 Act and its legal jurisdiction for the BLM to uphold that
2 act and as well as the 1872 Mining Law. I think there's a
3 conflict there and I don't think it's been addressed
4 sufficiently.

5 HEARING OFFICER FOX: Thank you Mary. Again I
6 would like to ask you Ladies and Gentlemen not to applaud
7 like that. Sir? Your apology is accepted. Next person
8 that I would like to call to the stand is Augustine
9 Montoya.

10 MR. MONTOYA: My name is Augustine Montoya and I
11 reside in El Prado approximately two and one-half miles
12 north of Taos. My mailing address is Post Office Box 506,
13 El Prado, New Mexico. As a seventeen year old past
14 employee of Molycorp I cannot question the integrity of
15 Molycorp to reclaim and to do minimal damage to land, water
16 and air quality in the area of the Guadalupe or anywhere in
17 Taos county. Molycorp has proved itself to do what it can
18 for the people of Taos county, not only financially but
19 also for the aesthetic values of the mountains of Red
20 River, Questa, -- Guadalupe and at the present time I'm
21 talking about a, I'd like to make some facts known that in
22 1985 Molycorp paid twice a year the amount of five hundred
23 and sixty thousand dollars in taxes in Taos county. In
24 1986 they paid in round figures about four hundred and
25 fifty thousand dollars. In '87 they paid twice a year two

hundred and forty thousand dollars. These taxes are distributed to the Questa school district, the village of Questa, town of Red River, county of Taos and the state of New Mexico.

I think the needs of the many outweigh the wants of the few. We're talking about year round employment, not seasonal money making ventures and hobbies of a few who do not possibly have to work for a living any longer. I do not question Molycorp's integrity to maintain minimal degradation of the land, water and air quality in Taos county.

Therefore, I petition on behalf of the work force of Molycorp the decision making powers to look favorably upon Molycorp's request for the proposal of tailings site at the Guadalupe. Thank you.

HEARING OFFICER FOX: Thank you Mr. Montoya. The next speaker is Michael Williams.

MR. WILLIAMS: I'll skip my credentials. Suffice to say I've had about twenty years of experience in working on environment problems of one sort or another and that is my professional area of work.

There are a number of major difficulties with the Draft EIS which render an inadequate basis for making a decision about appropriate options. One of the most striking is on page two of the Scoping Summary from the

14

1 Molycorp Tailings Disposal EIS there is a list of concerns
 2 and comments that will be addressed in EIS. Among the
 3 items listed is the "EIS shall address any health, visual
 4 or water quality effects from windblown dust". The draft
 5 does describe some effects of windblown dust essentially
 6 health effects only, but does not include a single
 7 statement about the visibility effects of windblown dust.
 8 There's a lot of discussion about the visibility of the dam
 9 but the dust itself is left out entirely.

10 There's also no discussion about what happens
 11 when the dust falls in the vegetation and gets washed into
 12 the river. Furthermore, the air quality effects have not
 13 been adequately treated.

14 In the past we've had very high concentrations of
 15 dust in that area, around Questa and I have a real question
 16 as to whether modeling(phonetic) would simulate, would
 17 produce those same concentrations under the same
 18 conditions. It looks to me like there's such a disparity
 19 between the numbers that we've seen in the past at further
 20 locations than the numbers that are projected in the future
 21 that you can't really trust them.

22 There is a problem also with using thirty-two
 23 micro rads per cubic meter as an appropriate background
 24 during windy conditions. In the past we've had industry
 25 tell us that virtually all the concentrations on very high

T-4

The potential visual effects of windblown dust are highly speculative and can only be evaluated through educated guesses. The air quality analysis suggests that maximum concentrations from the proposed facility would be in the range of historic maximum concentrations from the existing facilities, based on conservative assumptions about wetted versus dry areas of the pond surface. Assuming, as a worst case, that blowing dust would be visible on the new facility about as often as it is currently visible at the existing ponds, the net aesthetic effects would be minor.

The locational shift would mean that blowing dust would occasionally be visible from the vicinity of the entry to the Wild Rivers Recreation Area, whereas it currently is not. This would aggravate the adverse visual effect of the dam, especially under certain lighting conditions such as when the dust would be backlit. The dust plume would generally be more than a mile from viewers, however, and approximately 90 degrees off the line of sight for motorists entering or leaving the recreation area.

Conversely, as the dust plume increased from growth of the new facility, the plume from the existing ponds would be declining. Views of a dust plume from the highway and from Questa would be reduced substantially and the plume, when it occurred, would be two to three times farther from viewers.

T-5

See Response to Comment 85-9.

T-6

The procedure for determining background concentrations is discussed in Section 3.2.2 of the Air Quality Technical Report. The value used in the Draft EIS was determined using the available monitoring data for days with high winds and high particulate levels.

T-6
Cont.

1 days were associated with wind blown dust, or would you
2 believe now that's not true and we only have relatively low
3 concentrations?

4 I'd like to skip on a little bit here. One real
5 concern is this, what I consider very casual treatment of
6 projected violations of the state air quality ambience
7 standards. Generally the first thing we hear from an
8 industry when they go into something like this is that we
9 will meet all applicable standards and regulations. This
10 is the first case that I can remember where this is
11 explicitly not true, in fact they're saying that they will
12 indeed violate the ambient standards. Also they will also
13 violate the PSD increments over the Wild Rivers area which
14 is a real concern.

15 There is another area relates to water quality.
16 Measurements of Molybdenum stream side grasses along the
17 Red River below where the decant line comes in, show about
18 thirteen to fourteen parts per million of Molybdenum in
19 grasses.

20 If you look at the Draft it says that that five
21 parts per million is dangerous. What you've got to wonder
22 is what will happen to the sensitive -- species such as
23 ferruginous hawk and Swainson's hawk if they feed on
24 cottontails that have been feeding on these high levels of
25 Molybdenum in grasses. There is another problem, we're

T-7

T-7

Violations of air quality standards and appropriate mitigation are included in Response to Comment 48-6 and in Section 1.5 of this Final EIS. Class I PSD increments do not apply to the Wild Rivers area.

T-8

See Responses to Comments 20-2, 20-3, 39-1, and 56-2.

T-8

16

1 told that their not going to stock pile the top soil in the
2 Guadalupe area but instead there going to bring it in from
3 somewhere else and there's nothing in the Draft about what
4 happens when you take off five hundred acre feet of top
5 soil from some other location, the wind and the scared
6 landscape from that.

7 These are some of the major problems with the
8 Draft EIS. First, there is no treatment of the visibility
9 effects of wind blown dust despite the promise to do so.

10 Second, the meteorological data is inadequate to make a
11 valid projection and the projections are based on poor
12 assumptions. I mean, eight months is basically not a year
13 and you should be looking at several years in order to
14 really project what's going to happen, particularly when
15 your talking about higher wind speed situations, we don't
16 know, your sort of talking about extreme conditions and
17 your not going to see that in eight months of sampling.

18 Furthermore, the projected numbers are in such
19 variance with past measurements as to cast doubt on their
20 validity. That is we can't trust the modeling because it
21 seems so out of line with what we've seen up there in the
22 past.

23 MR. HOFFMEISTER: One minute Mike.

24 MR. WILLIAMS: Other major difficulties are the
25 casual treatment of violations of the ambient air and water

T-9 See Responses to Comments 39-1 and 68-1.

T-10 See Response to Comment T-4.

T-11 The adequacy of available data is addressed in Response to
Comment 27-3.

T-12 No violations of state water quality standards are predicted to
result from the proposed project. Violations of air quality
standards and mitigation are addressed in Response to
Comment 48-6 and in Section 1.5 of this Final EIS.

T-12
Cont.

T-13

17

quality standards instead they talk about wells that have
violations are the wells that are most likely to be
affected by Molycorp effluent and they do violate standards
on occasion as stated in the Draft. Another problem is the
lack of treatment of the effects of Molybdenum contaminated
foliage along the Red River and the tailings decant stream.
The result of this particular problem may be that damage to
rafter populations which are candidates for an endangered
species list. What's particularly -- I'm sorry, depressing
aspect of this is that a number of effects will occur in
the Rio Grand recreation area which we're trying to
preserve.

HEARING OFFICER FOX: Thank you Mr. Williams.

Let me reemphasize if I could --

A VOICE: -- he didn't give his address.

HEARING OFFICER FOX: Its in, its on the written
statement along --

A VOICE: If we could for the record please, Mr.
Williams.

MR. WILLIAMS: My address is Route 5, Box 229A,
Sante Fe, New Mexico 87501.

HEARING OFFICER FOX: Thank you. Thank you for
giving your written comments to the court reporter. Again,
if you do have written comments, we would appreciate it if
you could provide those to the court reporter. Its going

T-13 See Responses to Comments 20-2, 39-1, and 56-2.

18

1 to help him greatly in pulling these minutes together when
2 he gets back home with the documents and the recorder.

3 Alright the next speaker I'd like to call --

4 MR. WILLIAMS: Excuse me, I forgot to mention I
5 was representing on behalf of New Mexico Citizens for Clean
6 Air.

7 HEARING OFFICER FOX: Oh yes --

8 MR. WILLIAMS: That's on the written statement.

9 HEARING OFFICER FOX: Yes, thank you Mr.

10 Williams. Alright, the next speaker is Roger Ferland.

11 MR. FERLAND: Good Morning. My name is Roger
12 Ferland, I'm an attorney in Phoenix, Arizona. I represent
13 Molycorp, my address is 100 West Washington in Phoenix.

14 I've been practicing environmental law for about thirteen
15 years about half of that time representing a state agency
16 in Arizona which is comparable to your EID. I am one of
17 the primary authors of the Arizona Water Quality Act which
18 is significantly more stringent than New Mexico's act.

19 I'm here to respond to three statements that have
20 been consistently throughout these hearings that Molycorp
21 feels need to be addressed.

22 Statement number one is that Molycorp's tailing
23 are a toxic waste, that's simply not true. As many of you
24 know Environmental Protection Agency was asked by Congress
25 to study mining operations to determine whether or not they

1 should be regulated as hazardous waste producers. They
2 looked at among other tailings facilities, Molycorp's
3 tailing facility. They concluded that there was so little
4 there was so few toxic substances it wasn't even worth
5 studying any further. You'll know that they did study
6 copper and other gold and other kinds of mining operations,
7 they did not study Moly because of its lack of toxic
8 substances. What you need to understand is that while
9 tailings do have trace metals in them and a long list of
10 them that you can find in the EIS, so does virtually all
11 the native soil around us. Indeed, if many of you are
12 farmers you know were you to go out and take a soil sample
13 in your property if you ever used pesticides or fungicides
14 or rodenticides, it would show in much higher
15 concentrations than any of the metals in Molycorp's
16 tailings. And even if you organic garden your going to
17 have high levels of nitrates and other substances that can
18 hurt folks in high enough concentrations.

The real question I guess that we need to ask
19 about those tailings is are they going to migrate in
20 sufficient concentrations to hurt folks. We would conclude
21 that they do not.
22

Let's look first at air. The statement was made
23 the Guadalupe site will cause dangerous air pollution. Two
24 kinds of particulate pollution, that's the dust we talk
25

20

1 about that EID will concerned about, the first one are
2 called total suspended particulates. The earlier speaker
3 was addressing those when he said ambient air quality
4 standards were going to be violated. Those are not health
5 based standards. They are nuisance based and the
6 concentrations that he was talking about are occur just
7 outside the fence line. There aren't too many folks that
8 are going to be living out there and are going to consider
9 that a nuisance. The other kind of thing that we're
10 concerned about though are PN10(phonetic) those are the
11 little teeny bits of dust that can get in your lungs and
12 hurt you if they're bad. The modeling that was done by
13 BLM's consultant considered worse case conditions. As a
14 result of that modeling, they concluded there will be no
15 violation of the health based standards. Finally, an
16 individual last night said, all of this is very nice but
17 there are some bad things in those tailings and the thing
18 I'm concerned about is lead. What is it going to do to our
19 kids if they breath this stuff, are they going
20 bioaccumulate lead from the tailings?

21 A study was done in Arizona of the Phelps Dodge
22 smelter at Douglas, which has subsequently been shut down.
23 Some things you need to know. One, that's a smelter so
24 your getting a lot worse stuff coming out of it. Two, the
25 ore they were dealing with contained concentrations of lead

21

1 many, many times more than we're dealing with at Molycorp.
2 Three, the tailings we were talking about were not covered,
3 there was no stabilization involved and finally, the
4 tailings pond itself was six or seven times larger than the
5 Molycorp tailings. What was the result of the study. They
6 found that the lead levels in children that lived in
7 Douglas were one-half the national average. So we don't
8 think lead is a problem.

9 Let's look at water pollution which is the other
10 area that everybody concern's about. Surface water, it was
11 raised about the Wild and Scenic Rivers Act. None of the
12 hydrologist, EID, BLM's, ours, anybody's have contended
13 that there is going to be any measurable impact from
14 tailing seepage at either the Red or Rio Grand from the
15 Guadalupe tailing site. Any measure impact. That's their
16 conclusion, that's not mine, that's not Molycorp's.
17 Groundwater. EID has said we can't give Molycorp a
18 discharge plan because we don't have enough information.

19 MR. HOFFMEISTER: One minute Roger.

20 MR. FERLAND: Sure, our consultants disagree with
21 that. They do have enough information, but we're going to
22 supply that additional information. But what has EID been
23 concerned about? Toxic metals? No. Their letter, as many
24 of you know who have that letter is concerned about
25 sulfates which is not a toxic substance. Indeed in the

1 concentrations we're talking about is unlikely to hurt
2 anybody. But more importantly, what are they talking about
3 it's going to impact? Are they talking about drinking
4 water sources? No they're not. They're talking about
5 concentrations at the fence line, not at where the drinking
6 fountains are that the people that use the Wild and Scenic
7 River area are going to use. Nobody is contending that
8 even sulfates are going to be dangerous at where the
9 existing wells are.

10 Finally, to wrap up. Molycorp wants to respond
11 to legitimate technical objections to the placement of this
12 facility. If you want to address them to us or you want to
13 address them to the BLM, we will respond to them, but what
14 we cannot respond to is hostility about our very existence.
15 We'll do the best we can in terms of the technical issues
16 you raise and we think that should be enough.

17 HEARING OFFICER FOX: Thank you Mr. Ferland. I'm
18 going to ask for an orderly hearing one more time ladies
19 and gentlemen. The next speaker is Mr. Chacon.

20 MR. CHACON. My name is Mardoquev Chacon, I am
21 from Rodade, New Mexico. I don't have an address but I
22 live right next to the only stop sign in Rodade. In the
23 comments I make here today are going to be a product of the
24 environment from which I come because that is the only
25 place I can relate to. There was an old gentlemen that

1 lived in -- right next to my little town that had very
2 little education but a lot of wisdom. And I think what
3 we're talking about here today is wisdom and he used to say
4 (in Spanish). And how true that statement is today. He
5 had another little saying that to me has a lot more value,
6 and listen very closely because I cannot translate (in
7 Spanish).

8 Listen to that, I've thought about that statement
9 a good many years and there's always a little different
10 though that comes to my mind the more I meditate on it.
11 And I cannot translate because I don't know the language to
12 translate it. And I mentioned that I was going to speak on
13 my environment. When I was very young and I was going to
14 class called (in Spanish) today now referred to as
15 kindergarten, I spoke no English and knew no English but we
16 had our friendly Sisters who were are teachers and every
17 time I used a word in Spanish they would put soap in my
18 mouth because they wanted to give me their values. And I
19 think that's what we're here today for, we're trying to
20 impose our values on somebody else. How much better would
21 we be if we did not impose our values on each other, I'd be
22 a better person I can guarantee you that.

23 The issues today to me our pollution, standards
24 and jobs. Pollution and nuclear energy are alpha, beta and
25 gamma. I work on those in the delivery of nuclear weapons,

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Response to Comment

24

1 done right there was no danger. There is no danger. The
2 highway puts salt on the roads for our protection, it does
3 harm the environment.

4 Skiing is an issue of environment. I just read
5 last week's Taos News, forty-five hundred I guess is the
6 magic limit. There is some danger to the environment. Pot
7 or marijuana is a pollution is a danger to our environment.
8 We don't think about those environmental dangers.

9 I propose to you that the biggest danger we have
10 is poverty and we're not talking about that. Because we
11 should improve our education and we would be able to solve
12 the problems we're talking about today. Mental health is a
13 danger, people without jobs are going to suffer from mental
14 health. Cocaine I understand is the pollution of choice of
15 the rich. And crack I guess the choice of the poor. So
16 we're not all free of those types of danger and pollution.

17 The choice here in my opinion is, do some work or
18 do a lot have no employment. That I think is the choice.
19 I also tell you that Taos county has I think today has
20 about twenty percent unemployment and we call that a small
21 disaster.

22 In my community the unemployment has always been
23 fifty percent or better and I assure you we have not
24 damaged our valley, it is still very beautiful and I live
25 there because I love the way we live in that community.

25

1 And I trust that nobody will impose their values on me.
2 Another type of pollution is your doctor. The surgery he
3 does upon you can be have a very detrimental impact your
4 health and on your life and I can assure you that we do a
5 lot more surgery today than it is necessary by a lot.

6 We talk about impact statements, are we asking
7 for an impact statement in the new hospital that is going
8 up in Taos? That to me can have a very serious impact on
9 your health.

10 MR. HOFFMEISTER: One minute.

11 MR. CHACON: I propose to you that environments
12 and standards and employment can exist side by side if we
13 look at the facts not at our values and not try to impose
14 our own personal opinions on someone else. Yes, we must
15 change, I must change from my positions on many things, but
16 we must do so together.

17 We have a beautiful county we can keep it that
18 way but we have to survive, we have to live and we have to
19 eat and we have to work.

20 HEARING OFFICER FOX: Thank you Mr. Chacon. Let
21 me say that if you wish your -- be a part of the public
22 record, if you could write those out, we will include them
23 I'm afraid he will not be able to include them otherwise.

24 MR. CHACON: I cannot write Spanish because I was
25 forced to learn English.

1 HEARING OFFICER FOX: Margarita says she has them
2 so she'll help you out. The next speaker is Tony Tofoya.

3 MR. TOFOYA: My name is Tony Tofoya and I live at
4 P.O. Box 1655, Taos, New Mexico. I worked at Molycorp for
5 over twenty years and during this twenty years I seen a lot
6 of things that went on at the mine that I seen that the
7 company had spent thousands and millions of dollars to
8 improve the environment, to improve wildlife and everything
9 to preserve it. Some of us that worked at the mine seen
10 the deer, elk, turkey, they roam around the property like
11 pets and that's, I heard an unusual statement yesterday in
12 Questa that they're afraid of the environment that their
13 game will go away and this and that. That's not true. If
14 they don't believe it, go by the mine. You'll see them
15 there above the gas shop every day. All kinds of deer.

16 And another things that I'd like to bring out
17 that during the twenty years or more that I worked at the
18 mine the company's spent millions of dollars for
19 purification of water. They built a new plant at Pope Lake
20 for that purpose and they spent millions of dollars on
21 community projects, roads, bridges, and for schools.
22 What -- so many people -- this and done, not a damm thing.

23 Now another thing I'd like to say is that over
24 here in Taos county we see a lot of outsiders. During the
25 twenty years I've been going to the mine I haven't seen a

27

1 lot of these people, they come to protest they don't like
2 our way of life. I suggest that if they don't like it they
3 go back where they come from and leave us alone. I endorse
4 this project for Molycorp.

5 HEARING OFFICER FOX: Thank you Mr. Tofoya. Let
6 me remind the speakers that if they are representing a
7 group that they would please state that for the record.

8 Next speaker is Mr. David Bates.

9 MR. BATES: My name is David Bates I'm President
10 of the Taos Environmental Association.

11 HEARING OFFICER FOX: --give your address please.

12 MR. BATES: My address is P.O. Box 476, Ranchos
13 Taos. Seems to me the central issue is the matter of undue
14 and unnecessary degradation. Its been discussed here
15 briefly this morning but it does not appear in the Draft
16 Environmental Impact Statement. I believe that a more
17 extensive discussion of that issue needs to appear in the
18 final EIS.

19 The Federal Land Policy Management Act of 1976
20 contains language which requires that the Department of
21 Interior, and by extension the BLM, must not permit any
22 activity on federal land that would cause undue and
23 unnecessary degradation. The language that is important is
24 the phrase "undue and unnecessary". No where in the EIS is
25 the important principle defined or analyzed.

T-14 See Section 1.4, Consideration of Alternatives, and Response to
Comment 21-1.

T-14

1 I wish to suggest that the idea of necessity of
2 entering Guadalupe the central issue. In my opinion
3 neither industry nor the BLM has shown adequately that the
4 proposed degradation of the Guadalupe is due and
5 necessary. In fact throughout the last few years during
6 the permitting process both MolyCorp and BLM had admitted
7 that there is anywhere from eight to ten years of remaining
8 capacity in the existing tailing site. I would suggest
9 that the fact that the remaining tailings capacity exists
10 at the present site leads to the conclusion that it is not
11 necessary and therefore more importantly, not legally
12 permissible for the BLM approve MolyCorp's plan of
13 operations.

14 I would like to see in the final EIS a exhaustive
15 legal analysis of this issue. I believe that it is a point
16 around which a court case could be brought against BLM. In
17 the event that the BLM fails to provide this kind of
18 analysis and justification in a sufficiently convincing
19 matter, I believe that a court case ought to be brought.
20 Thank you.

21 HEARING OFFICER FOX: Thank you Mr. Bates. The
22 next speaker is Mr. Alfredo Dominguez.

23 MR. DOMINGUEZ: Thank you very much. My name is
24 Alfredo Dominguez, Jr. I reside in the beautiful village of
25 Chanielal, Post Office Box 158, Chanielal, New Mexico. I do

T-15 See Response to Comment 2-2.

T-15

29

1 not represent any particular group, and my comments will be
2 brief for two reasons, first of all I came unprepared,
3 second I have a bad cold and can't shake it.

4 I'm not prepared, I don't have volumes of
5 documents to support my comments, but I don't think I need
6 them, what I'm going to talk about is bread and butter
7 issues. The bare necessities, okay? Things that are
8 needed in life, food, clothing and shelter. I think that
9 the closing of the mine a couple of years ago has had a
10 very important impact on those three aspects of life.

11 I think one of the things for example that has
12 not been included in the impact statement also is impact on
13 the disintegration of a culture. People whose descendants
14 have been living in this part of the country for four
15 centuries and in many cases twenty thousand years for
16 example, have been scattered to the winds. Some of the
17 Molycorp employees have found it necessary to find
18 employment in third world countries and I don't think that
19 should be done.

20 My training includes training in the fields of
21 biology and ecology, geology and education, I'm a retired
22 school teacher school administration, administrator. I am
23 very concerned about the Peregrin Falcon, I am very
24 concerned also about the -- Hawk and the Bald Eagle.
25 //

T-16

T-16 The action is not expected to affect the disintegration of culture.

30

1 But I'm also very concerned about my children and
2 their children's children. Let's preserve their existence,
3 let us not send them out of our beautiful country here to
4 earn a living in big cities scrubbing toilets, or cleaning
5 houses for some of the folks we see hear today. That's one
6 of the things that's not in the impact statement. We have
7 not mentioned anything about how it disintegrates the
8 culture dislocates culture and I think it should be there.
9 I think that we should do everything we can and I'm talking
10 about the BLM, I think the technology is there and I think
11 the willingness is there, the need is certainly there to do
12 everything to open the mine. I think the mine could
13 function very well and it could conserve our environment
14 and of course all of God's creatures in it. I will thank
15 You.

16 HEARING OFFICER FOX: Thank you Mr. Dominguez. If
17 you would like to come on in to the room there is some room
18 over hear close to the map and a few seats in front. Is
19 there any one else outside that would like to come in? All
20 right then. The next speaker is Leroy Phillippi.

21 MR. PHILLIPPI: My name is Leroy Phillippi. I
22 live at Post Office Box 401, Taos, New Mexico. I'd like
23 to, I didn't come prepared, I just came I heard all the
24 people talking about it and thought I'd get my two cents
25 in. I'd like to preface my remarks by saying that I am a

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1 native Taosino as was my Grandfather, his Grandfather and
2 his Grandfather, so I have a big stake in this, I love this
3 valley. I had some concerns on the environment and I have
4 some concerns on the employment factor here. There are a
5 lot of people I know that can't paint a picture and sell it
6 for a few thousand bucks, don't have a trust fund, so they
7 have to work and if the work isn't there

8 A VOICE: Can you speak a little louder?

9 MR. PHILLIPPI: You can't hear me? Thanks. I'm
10 the Director of the -- agency which is an agency, I don't
11 represent them here cause I don't think its in my
12 authority, but we've noticed, we've helped the low income,
13 the handicapped and the elderly and we've seen our client
14 file quadruple since the mine closed down.

15 Like I said, I'm concerned about the environment
16 cause I love this valley like the people in my generation
17 we had to move out to find jobs, go to college in another
18 state because we couldn't come back here, and I don't want
19 that for my kids, but I want the valley to stay the same,
20 you can't have both. Your going to have to compromise, you
21 have group here that say to hell with the economy, close
22 the mine. Others say the hell to the environment keep the
23 mine open we need the jobs. We've got to have a compromise
24 there. Like one miner said after he lost his job well,
25 honey, I give you the one thing money can't buy, poverty.

1 Well, we can't have that. It was said in jest I'm sure,
2 but it was very true. Now, I would like to see that mine
3 reopen because there are a lot of people affected by it, a
4 lot of people want to come back and I've read that
5 Environmental Impact Statement, and like the gentleman said
6 he couldn't find it, I saw copies of it on somebody's desk
7 and I read it and it seems to me like they're trying to
8 comply and keep the environment clean.

9 So, I recommend that we get this mine open. And
10 this attorney here, I forget your name, but you made a big
11 impression on me because I think you refuted a lot of the
12 so called charges and statements that were made without any
13 real documentation or a, hostility is there, but the
14 hostility is there on both sides and I think we should try
15 to kind of temper that and let's put the guys back to work
16 and let's clean up the environment, I think we can do both.

17 HEARING OFFICER FOX: Thank you Mr. Phillippi.
18 The next speaker is Mr. Gary Storch.

19 MR. STORCH: My name is Gary Storch, I'm at Box
20 2691, Taos and I've lived here in Taos fourteen years. And
21 I guess I followed Mr. Phillippi perfect because that's
22 what I see when I come into this room. I see a lot of
23 unemployed miners here, and there's a lot of hostility.
24 There really isn't a need for it, I sure hate to see it and
25 I agree. I'd like to see some people get back to work here

33

1 and I'd sure like to see the environment be upheld. I've
2 one problem, and I really don't think its been addressed.
3 Basically on the whole - - a lot of you people know me
4 because I was involved in the power line struggle eight or
5 nine years ago when the power lines were going to go
6 through 345 on the west side and 115 on the east side.

7 I may be talking out of turn but the reason 115
8 was going to go through basically it was Molycorp's major
9 need. They needed that 115 line. I'm going to keep this
10 real short and I'm not going to get into this. When we
11 talked to Molycorp and we met with the people from Plains
12 Electric and Molycorp we were told that Molycorp was going
13 to be hear, they weren't going anywhere and that line
14 really needed to be built. That line was going to cost Kit
15 Carson Electric and the Plaines, millions and millions of
16 dollars. Now as you all know, Molycorp closed. And when
17 Molycorp closed they renegotiated their contract with Kit
18 Carson, that's neither here nor there. For this kind of
19 community your paying twelve cents a kilowatt hour which is
20 a pretty high electric rate.

21 What I'd like to ask this question again, this
22 is, off the top of your head, had nobody fought the power
23 lines, had the power lines gone in the 345 and 115 and the
24 amount of money that was spent on that just trying to think
25 what your power cost would be today. I'm not against

T-17

T-17 See Response to Comment 2-2. Molycorp has reopened the mine.

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1 progress, but basically what I'm against is having a knife
2 held to my throat. I know there's a lot of miners back
3 there that need work. I've one question and its based at
4 Molycorp, if Molycorpo wants to put all these people back
5 to work today, they can. They can put everybody back to
6 work and keep you guys working, what I don't like is why
7 hold a gun to my head or the communities head and basically
8 this is the hostility and I find that its really causing a
9 lot of pressure between two groups. Some people for the
10 environment and yes the people who really need the jobs,
11 and believe me I know you need the jobs. My question is,
12 why does Molycorp say, we have to have the tailings pond
13 first? before we open up? I'd like somebody to really
14 answer that question, I'd like somebody from Molycorp
15 answer the question. I'm talking about now not ten,
16 fifteen years down the road.

17 They keep saying we're not going to open the mine
18 until we have the tailings pond. I'd like to make one
19 statement, basically what it comes down to. So when
20 Molycorp closed the line originally, they had three things
21 they wanted before they'd reopen. The three things they've
22 stated over and over is they want no union scale wages,
23 which is what they used to pay in wages, they wanted to
24 renegotiate the Kit Carson Electric contract which they've
25 already done, which means you, everybody, the

1 environmentalist and the people out of work, your paying
2 more for your electric than you ever did. And then they
3 want to build a new tailings pond. My attitude, is if you
4 want to open up the mine fine, want to put people back to
5 work, its really important, but there's no need to hold a
6 tailings pond as a gun to people's head in the community
7 and say we're not going to open the mine until you have the
8 tailings pond.

9 What I'd like to do is I'd like one big thing
10 that nobody's questioned beyond this and really look at it
11 as a community as a whole and really something to think
12 about, when Molycorp builds their tailings pond, if indeed
13 they do build a tailings pond, and then they say everybody
14 can go to work, presently UniCal is up for sale, they've
15 been up for sale for a long time and I see a lot of you
16 people laughing back there. They presently need the
17 tailings pond to sell that, if and when they build the
18 tailings pond and they sell it, some Japanese conglomerate
19 comes in here and they own Molycorp or they own the mines,
20 that's just off the top of my head, I'm not saying that's
21 going to happen but its a real good scenario, what I would
22 like everybody here to question is, why hold the tailings
23 pond to the communities head to say that's the reason to
24 reopen. That's the major question here, yes, I'd like to
25 see the mine open, I'd like to see a lot of people go back

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1 to work and I'd like to see the community get back on its
2 feet, but I don't think any big corporation that's from Los
3 Angeles, California and uses the people out of work here
4 basically as a hostile tool to get what they need to turn
5 around and then when they sell that mine.

6 You people have no guarantee whatsoever that your
7 not going to be laid back on your feet and told "Oh, I'm
8 sorry, we have no need for Moly any more". One other thing

9 MR. HOFFMEISTER: One minute.

10 MR. STORCH: Last week out of Wall Street out of
11 New York, currently at this stage seventy percent of all
12 the molybdenum that is used in the world, forget the
13 country is presently produced by copper mines. There is no
14 future need for this mine opening. Well, if Molycorp
15 really needs to open it, my feeling is this, open it as is
16 and put the people back to work, but please don't hold the
17 tailings pond to the peoples head in the community here and
18 have a dichotomy amongst all the people that live here.
19 Thank you.

20 HEARING OFFICER FOX: Thank you Mr. Storch. Once
21 again I'm going to ask you not to applaud.

22 HEARING OFFICER FOX: Next speaker is Thelma
23 Mares.

24 MS. MARES: Ladies and gentlemen. My address is
25 Box 2483, Taos, New Mexico. Allow me to introduce myself I

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1 am Thelma Mares I'm married to Frank Mares a former
2 employee of Molycorp. We have two boys ages thirteen and
3 ten and we live in the arroyondo(phonetic) area. Let me
4 start by saying that I strongly support Molycorp's effort
5 to build the Guadalupe Mountain Tailings Disposal Dam and
6 to resume their operations and once again provide the jobs
7 which are very well known are needed so badly in the area.
8 I believe that the company has demonstrated that they do
9 care about the environment and the communities that are
10 involved. And its assumed they will continue to do so.

11 Now when Moly closed in December, 1986 the
12 families and the communities involved suffered very
13 distressing hardships. I can recall some heartbreaking
14 experiences in our own lives and in those involved and of
15 the traumatic changes in our lives which was overwhelming.
16 Most families suffered a great shock in their financial
17 status. There were feelings of anxiety and fear and just
18 plain depression among all those who were now unemployed.
19 Especially I think in those who were married and had
20 children. Concerns on how to make payments, how to feed
21 your families, how to cloth your growing children and how
22 to survive during this crisis was very crucial. I felt
23 like we had black clouds around us for an eternity. I
24 don't have to tell you that when there are mishaps, your
25 life can easily go to the dogs. Grief brings much

1 unpleasantness within ones character. Problems start
 2 immediately. -- brings intense bad moods and bad moods
 3 bring instant -- The spouse suffers, your children suffer,
 4 your families and friends suffer, the physical and mental
 5 pain that one endures is very great and the hopes of
 6 finding another job are very dim. The Taos area is very --
 7 in its employment choice. I'm sure we all know a great
 8 deal of people who had to leave our communities to seek
 9 employment. They had to leave behind their families,
 10 friends, and for some, years of building a spiritual life.
 11 Some sold what little or all they had, other yet had to let
 12 go of material things that they desperately needed, but
 13 they had no choice. Others had to find not only one job
 14 but two or three to maintain their commitments. Some
 15 husbands had to go on alone and seek jobs leaving wives and
 16 the children behind creating two separate households to
 17 maintain which became even more of a burden.

18 I can remember the struggling, the worrying and
 19 having to reach out to families for support and of course
 20 relying on God's assistance. I owe a great deal to my
 21 faithfulness because it carried us through this crisis. It
 22 has taken us a long, long time to get back on our feet.
 23 Some have been more fortunate than others. There were of
 24 course countless hours desperate days of seeking employment
 25 without success. Hopes diminished. I can recall only too

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1 well the despair and aches we felt in our hearts. I don't
2 just speak for myself but for the many that were involved.

3 MR. HOFFMEISTER: One minute please.

4 MS. MARES: Well I have shared with you today
5 some personal and painful feelings of how our lives and
6 many others were affected and how I can not emphasize
7 enough of how the Moly is needed. However, without the
8 approval of BLM's action toward the building of this
9 disposal to accommodate the existing and future tailings,
10 this will not be possible.

11 Our people need the employment, our communities
12 need the chains uplifted, our lives, our children's lives,
13 and our children's, children's life depend, their future
14 depend on the progress.

15 In closing I would like to say that MolyCorp is
16 the bloodline of this area. The area's economy can only be
17 reformed and then enriched with the reopening and
18 continuation of a much needed occupation. Thank you.

19 HEARING OFFICER FOX: Thank you Ms. Mares. Next
20 speaker is Claire Cochran.

21 MS. COCHRAN: My name is Claire Cochran. My
22 address is P.O. Box 360, Arroyo Hondo, New Mexico. I am a
23 member of Amigos Bravos and Earth First. To state
24 repeatedly in this Draft EIS that wildlife would not be
25 suffering direct impacts by avoiding this area during

1 project construction is absurd and irresponsible. I find
 2 the whole draft, EIS and reference to threaten to
 3 endangered species to be insensitive and I question
 4 compliance with the threatened and endangered species act.
 5 No mention of cumulative impacts is noted and must be put
 6 forth in the final EIS. I also have great concerns for
 7 seepage of tailings in the proposed site into Big Arsenic
 8 and Little Arsenic Springs on the Rio Grande.

9 I question methods used by Molycorp regarding air
 10 pollution from existing tailings pond directly impacting
 11 the health of Questa High School students in the community.
 12 In recent Times Magazine article, December, 1988 our
 13 endangered earth was finally featured. And if you haven't
 14 read this article I strongly encourage you to do so.

15 Looking through your summary of impacts that's on the table
 16 out front. I can't understand how Molycorp can enact this
 17 project in good conscience. Permanently losing water
 18 resources, top soil, vegetation, wild life for only a
 19 minimal impact of economy and employment. I do understand
 20 and I do respect past employees hopes for jobs again.
 21 However, if we as a community continue to destroy this
 22 earth you won't be looking for molybdenum to eat you'll be
 23 looking for food you may have to grow yourselves. This
 24 kind of project adds to the total destruction of this
 25 earth.

T-18

T-18 See Response to Comment 82-5.

T-19

T-19 See Responses to Comments 29-4 and 48-5.

T-20

T-20 Please refer to Response to Comment 29-2.

1 I strongly suggest that rather than mining
2 molybdenum that Taos County turn to a sustainable
3 agriculture and the production of organic open pollinated
4 seed to fill market needs that are real. All over the
5 world a very economically sound and practical idea and
6 which could end the dissention between us. There will no
7 doubt that undue and unnecessary degradation will happen if
8 this project is allowed as it is proposed. I stand for the
9 Guadalupe Mountain site to remain untouched and sacred.
10 Thank you.

11 HEARING OFFICER FOX: The next speaker is Mr.
12 Clifton Bain.

13 MR. BAIN: I'll pass.

14 HEARING OFFICER FOX: Alright sir. Then the next
15 speaker is Manuel Pachero.

16 MR. PACHERO: My name is Manual Rudge Pachero and
17 I'm one of those characters that lives at the post office I
18 guess because my box is 852. I'm a resident of -- and I
19 traced my ancestry two hundred years before the United
20 States was even formed. So I have a lot of background I
21 have a lot a knowledge about the area because we settled in
22 this area and we're still here. And don't forget all of
23 you, we're all going to die here, maybe. I've seen a lot
24 of you come, I've seen a lot of them leave and I've seen
25 the face of Taos change. I'm a human environmentalist.

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1 For over forty years I've been a human environmentalist,
2 now every law that the Congress of the United States and
3 the state of New Mexico formed and passed was for the
4 benefit of the human.

5 I get a kick of the word undue and unnecessary
6 degradation. The worst thing you can do is not take that
7 seriously as it applies to the human being. In the life
8 span of the human being right now in the legislature in the
9 state of New Mexico there apportioning funds for economic
10 recoupment, economic impact, their apportioning funds for
11 adequate pay for teachers, they're spending a lot of money
12 in a lot of areas.

13 In the area of Taos County, which believe it or
14 not back in the nineteen twenties had a higher population
15 than it does now, when the human had to leave and work
16 someplace else has happened again. So for humanity to have
17 an undue and unnecessary degradation we need the tailings
18 pond because it only reflects that they're doing long range
19 planning like the state of New Mexico the legislature, the
20 Congress of the United States does that. Why? Because the
21 majority of youngsters in this county leave because they
22 can't work here.

23 I've raised five youngsters and they all leave
24 town because they have to work. I'd like to see them work
25 here for a change. The human environment is long, I've

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1 seen animals poached and not by the natives, and hanged in
2 large amounts because they say your going to have to get
3 your food someplace? Baloney, I'm using the environment.
4 I've read the statement and I find nothing that's going to
5 hurt this area except where the social economic factor does
6 not consider the most important element, the human factor.
7 Undue and unnecessary degradation, you know, we need it,
8 and we need it because it brings a big tax base. We need
9 it now because it helps us make a living, we'll be here
10 long after a lot of you leave. Some of you pass through
11 Taos and just give an opinion.

12 I get a kick, I just read in the paper this
13 morning, the Albuquerque Journal a lot of Taos County
14 people make a living fighting fires and there was hell to
15 be bent when people starting complaining that the
16 government agencies didn't know what they were doing with
17 the -- policy?

18 MR. HOFFMEISTER: One minute.

19 MR. PACHERO: I think they do a pretty good job.
20 Yellowstone Park was all burned and now is all baloney.
21 The best scientists from the West Coast say that the burn
22 is good its positive and they site all the reasons why.
23 Let these people do adequate job, let them help the human
24 environment of Taos County and let all the people here live
25 and not import industry, that one's here, let's keep it.

1 Let's help it, let's spend money keeping some economics
2 that we already have. Thank you.

3 HEARING OFFICER FOX: Thank you Mr. Pachero. The
4 next speaker is Mr. Ron Gardiner.

5 MR. GARDINER: My name is Ron Gardiner and my
6 address is P.O. 1008, Questa, New Mexico. Citizen of
7 Questa and my statement will address the BLM but I would
8 like to address the audience. It hurts me to understand
9 that the people will embrace outside money, outside
10 pollution, but will not embrace your own hardworking
11 neighbors.

12 I work in the EMS system and I can't recall a
13 health care provider asking where your family's from before
14 we provide health care. My statement to the BLM is the
15 Wild and Scenic River Park is justifiably a major
16 socioeconomic factor to Questa and Cerro. It demonstrates
17 a growth rate of twenty-five to fifty percent a year over
18 ten years, accumulating in thirty one thousand visitor days
19 in 1988. This would rank the park third on the list of six
20 Taos County ski areas rated by Skier Days. We understand
21 it is the BLM's legal responsibility to manage the Wild and
22 Scenic River Park that is adjacent to the proposed tailings
23 pond at the Guadalupe Mountain site.

24 The Wild and Scenic River Act focuses on the
25 protection of the Rio Grande and Red Rivers and the values

1 for which they were established. To manage the designated
2 component in the manner that does not interfere with the
3 public use and enjoyment of the values and surrounding
4 public lands in a manner not contrary to the purposes of
5 this Act. In coordination with the appropriate state water
6 pollution control agencies for that purpose. The Wild and
7 Scenic Rivers Act prohibits any Federal agency or
8 department from authorizing any water resources project
9 including the Guadalupe tailings project, that would have a
10 direct and adverse affect on the values for which such a
11 river was established. In revised regulations issued show
12 among other things provides safeguards against pollution of
13 the river involved in unnecessary impairment of the scenery
14 within the area. Designated for potential additions, to an
15 actual component to of the national wild and scenic river
16 system.

17 Contrary to these goals the EIS specifies the
18 following impacts: Figure two one Windrose(phonetic)
19 predicts windblown exposure of the park to airborne
20 tailings containing lead, -- and Moly between Sheep Road
21 and Sheep's Crossing campground. Not a positive impact on
22 users. I feel the study conducted was inadequate and both
23 duration and location providing only eight months of data.
24 Pages 251-4, Figure one-two. Also contrary to the goals of
25 the law are visual impacts on the Wild and Scenic River

T-21

T-22

T-21

The adequacy of available data for the Draft EIS is addressed in Response to Comment 27-3 and health risks of tailings exposure are included in Response to Comment 17-4.

T-22

Refer to Responses to Comments 28-1 and 149-5. A conflict with Class II objectives concurs with the VRM assessment in the Draft EIS.

1 Park. On page two dash thirty three the EIS identifies the
 2 park on the west face of the Guadalupe Mountains is a BLM
 3 class two area. The objective being to retain the existing
 4 character to landscape, the values of the change to the
 5 landscape should be low. Management activities may be seen
 6 but not attract the attention of the casual observer.
 7 Highly unlikely when looking at a dominating site of wall a
 8 half mile long by four hundred foot high presented in Table
 9 thirty four states that the color and shape together would
 10 demand the attention of even the casual observer forcing
 11 the notice of the dam as a man made intrusion into a
 12 predominately natural landscape. This would conflict with
 13 BLM Class two objective.

14 Further, starting in 1981 ACEC environmental
 15 assessment the Guadalupe Mountain is a highly desirable
 16 recreation resource not only due to its natural scenic
 17 values but because it is directly adjacent to the Rio
 18 Grande Wild River area. However, until official inclusion
 19 of Guadalupe Mountain as park of the wild river
 20 recreational area takes place, designation of the mountain
 21 as ACEC is required and necessary to protect and prevent an
 22 irreparable damage to its scenic values, wildlife resource
 23 and natural environment.

24 The MFP also recommends prohibiting woodcutting,
 25 mineral entry and development and other protective measures

T-22
 Cont.

T-23

T-23

Please refer to the Response to Comment Q-43. Also, regarding compliance with the letter and spirit of the Wild and Scenic River Act, please refer to the Response to Comment 28-1.

MolyCorp's claims were filed prior to BLM's taking action which may have designated the area for other uses.

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Cont.

2-439

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1 for the mountain. The designation of a ACEC was authorized
2 by the Federal Land Policy and Management Act in 1976. The
3 alternative of no action will leave Guadalupe Mountain open
4 to unlimited all RV use, woodcutting, mineral entry and
5 development and environmental degradation with no recourse
6 available.

7 MR. HOFFMEISTER: One minute Ron.

8 MR. GARDINER: The recommendation and management
9 framework plan was to file no further mineral sales or
10 rights on Guadalupe Mountain. The rationale offered was
11 elimination of mineral leasing, and development would
12 preserve the natural and scenic qualities of the Guadalupe
13 Mountain.

14 What's disturbing about this history is that
15 between the time of this recommendation and the final
16 approval of ACEC, the precise land for the proposed
17 tailings pond was eliminated from the ACEC virtually giving
18 UniCal carte blanche with land.

19 This speaks of a special interest deal completely
20 contrary to the management goals for all surrounding lands.
21 This reflects as suspect, but more likely is an expedient
22 maneuver with the best interest of the public being
23 betrayed. The ACEC plan was signed and concurred by the
24 District Manager Richard Nemar. It is my view that
25 management is not in compliance with letter or spirit of

T-23
Cont.

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1 the law of the Wild and Scenic River Act of 1968. The
2 bureau should respond publicly or be legally challenged.

3 HEARING OFFICER FOX: Thank you Mr. Gardiner.

4 A VOICE: Mr. Chairman. This gentleman already
5 spoke last night at Questa and he's just taking up time.

6 HEARING OFFICER FOX: His comments are different
7 sir. Thank you for your comment however. The next
8 speaker is Mr. Brian Shields.

9 MR. SHIELDS: Senore Fox, amigos, -- my name is
10 Brian Shields I live in -- and, hear me now? I really only
11 have a couple of comments here I feel are real important.
12 I'm not a public speaker, this is part of my alternate way
13 of looking at life is to get up here and talk to you.

14 So, one of the things that concerns me is that we
15 haven't looked at what the alternatives are. I think it is
16 very important for us all to work together I mean, this is
17 my own personal value that I'm putting out. I know there
18 were comments about not putting on personal values but, its
19 very important for all of us to work together at this
20 point, life is too hard without it, it doesn't really move
21 us ahead. I also need a job. It's not a matter of jobs
22 that we're talking here, we're talking about limiting our
23 alternatives by not looking at alternatives.

24 What I'd like to point out that Molycorp¹ at this
25 point says that they have looked at alternatives back in

T-24

T-24

See Section 1.4, Consideration of Alternatives, and Response to
Comment 21-1.

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Cont.

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1 1974, 75 and 76. Those alternatives did not address the
2 new input in ways of dealing with tailings. There are
3 other ways of dealing with our tailings than the way we're
4 so used to doing. What I'm saying is that we don't have to
5 keep dumping them on Questa. We can dump them somewhere
6 else. We can look at where else we can dump them. We
7 don't have to dump them inside our communities.

8 Now those alternatives have not been looked at
9 and I would recommend that the EIS address looking at
10 alternative sites and doing a study of alternative ways of
11 dealing with these tailings. We don't have to put up with
12 bad health, ruining our environment. We can work together
13 to find other solutions. EIS should address these
14 possibilities. I thank you for your time.

15 HEARING OFFICER FOX: Thank you Mr. Shields. The
16 next speaker is Mr. Van Beacham.

17 MR. BEACHAM: My name is Van Beacham, Box 4006,
18 Taos, New Mexico. I represent Los Rios Anglers, a business
19 which I run here in Taos. A lot of people have said a lot
20 of things today and I'm sure a lot more issues will be
21 discussed but nobody has really spoken on behalf of the Red
22 River, the Rio Grande and the fish that exist there.

23 I for one get my living off of fishing and I'm
24 sure if the mine opened there would be more people in my
25 shop buying rods and reels and I'd probably make some more

1 money too. I happen to be a fourth generation New Mexican,
2 my Great-grandfather started the first trout hatchery in
3 Colorado, the second trout hatchery in New Mexico. My
4 father and my grandfather both helped plant brown trout in
5 the Rio Grande at a time when only Rio Grande cut-throats
6 existed in very small numbers.

7 A lot of people may not know it but the Red River
8 is the life blood of the Rio Grande and before there was
9 browns in the Rio Grande and the Red River, there was
10 native cut-throats and its always been a major tributary
11 for the spawning of trout in that river. The reason for
12 this is because numerous springs enter the Red River just
13 around the hatchery and just below the hatchery. These
14 springs create a situation which before the mine was in
15 existence, that made it the most optimum stream of all the
16 tributaries of the Rio Grande for these cutthroats to spawn
17 in.

18 There's still a strain of Rio Grande cutthroat
19 hybrids which have bred with Rainbow stocked by hatchery
20 and the Browns still come into the Rio Grande every fall to
21 spawn and reproduce. Again, right now, this time of year
22 the cut-throats are in there trying to spawn. Now, before
23 the mine opened there was not a lot of documentation but
24 there are many people, some of you here in this room whose
25 grandfathers have fished there before the mine was there.

1 Thirty, thirty-two, thirty-three inch Browns were common.
2 They lived there year round. The river, like it or not,
3 has suffered from the mine. I too would like to see the
4 mine reopen because a lot of my friends worked there, but
5 not if its at the expense of putting a final nail in the
6 coffin of the Red River.

7 Let me explain just a minute. The Red River is
8 fed by these springs which keep it at a constant
9 temperature year around between forty-six and fifty-six
10 degrees. No other tributary of the Rio Grande has that.
11 All the other rivers at this time of the year are frozen
12 over. This natural phenomenon in 1945 was written about in
13 Field and Stream Magazine by a biologist claiming it was
14 one of the best fisheries in the whole United States.

15 Now since Moly opened, spills have occurred,
16 sedimentation has increased, gravel bars that once produced
17 numerous spawning beds are now, or in the 60's and 70's
18 were covered up. A lot of you may not know it but what
19 happens is the sedimentation covers the gravel, then
20 aluminum comes in and other metals, and it creates a
21 concreting effect in which the gravel cannot even be picked
22 up by human beings. What happens is that insects die,
23 trout leave because there is no food.

24 The lawyer spoke about water quality, its not
25 dangerous to humans, what it does is it kills micro --

1 starving the fish and making them leave. What happens next
2 is the fish come in to spawn luckily because of these
3 springs the river from the trout hatchery downstream have
4 maintained a population. What happens is that when a spill
5 occurs the fish die, the next fall the Browns come in they
6 spawn, the off spring are born, they stay in the river,
7 some return to the Rio Grande. Then what happens is two
8 years later when their about six inches and just getting
9 the catchable flies, another spill occurs.

10 MR. HOFFMEISTER: One minute please.

11 MR. BEACHAN: What I'm getting to is since the
12 mine has quit has closed down and since we've had so many
13 years of high water and because the mine has taken steps to
14 reduce the cause from spills by putting burms in, etc. The
15 river is making a comeback, in fact, I've got documentation
16 that shows numerous Brown trout in that river today.

17 Gravel bars which just three years ago which were
18 concreted in, you couldn't budge those rocks, are now clean
19 again. Insects are thriving in there and the lower section
20 of the Red River is coming back. I think it would be a sin
21 because of the long range implications to consider even
22 appropriating this permit if there's even one-tenth of one
23 percent of a chance that those groundwaters would affect
24 that lower Red River thus putting that final nail in that
25 coffin. Thank you.

1 HEARING OFFICER FOX: Is there an Ernesto
2 Gonzales?

3 A VOICE: --

4 HEARING OFFICER FOX: Next speaker then would be
5 David Fernandez.

6 MR. FERNANDEZ: Thank you, I'm David Fernandez
7 and I'm the Taos county Water Resources Coordinator. I can
8 be reached at Taos County Court House. I'm going to be
9 brief and state that at this point my attendance here is to
10 a great degree that of information gathering as well, we
11 brought the Environmental Impact Statement here. We've
12 been listening to all the other comments about the effect
13 on water quality of various types and the effect on fish
14 and so forth. It's all extremely interesting and quite
15 serious in implication all the way around. I do know that
16 Taos County government officials at this point have in
17 principle endorsed the concept of reopening the mine and
18 putting all these people back to work.

19 I think some of the comments from people like Mr.
20 Chacon and others who have spoken so eloquently about the
21 effect of unemployment here, the closing of the mine, the
22 effect of that on the Taos population are very well taken.
23 Obviously we have had close to a thousand people laid off
24 all of a sudden, we've had many people having to have left
25 the community to scatter to the four directions. Perhaps a

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1 lot of these people can return to Taos where they have
2 lived for generations. We need to rebuild our entire
3 community. We need to rebuild it from the standpoint of
4 basic culture the people who are from here, we need to
5 rebuild it from an economic standpoint, expand the tax
6 base, we need to build it certainly from an environmental
7 standpoint as well.

8 Its been stated a few times here today that the
9 reopening of the mine and environment considerations are
10 not incompatible. I also happen to concur with that
11 statement. I think that I would propose to the people from
12 Molycorp and the other agencies who are involved that part
13 of this healing effort to try and resolve and cut off at
14 the pass a lot of the different kinds of resentment that
15 are obvious, whether they be so called racial or economic
16 or whatever, I think perhaps today would be a good place to
17 start and I would like to recommend to Molycorp and to the
18 other agencies involved to tell this group today that yes,
19 you do intend to work closely with local governments,
20 county and town, Questa, the -- systems, domestic water
21 whoever is going to be affected by that.

22 I would recommend that perhaps an advisory type
23 of commission be established including members of out of
24 work or displaced workers from the mine be included, people
25 from the local governments, as well as representation from

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1 those people who have valid concerns about the effects on
2 the environment, and that this commission work closely with
3 Molycorp and the agencies. I think that the last things we
4 want to see here, it almost seems that this community a lot
5 of times, you know, we really can't get involved in
6 anything without being at each other's throats and I think
7 that we'd like to start from the beginning on this one and
8 overcome that and you know, cut it off at the pass, so to
9 speak before it gets any further.

10 There's a lot of people who are from here who
11 have had to leave and deserve and need to back to rejoin
12 their families, rejoin their communities, reestablish
13 themselves here and provide for the present families and
14 for the future as well. That needs to happen.

15 MR. HOFFMEISTER: One minute please.

16 MR. FERNANDEZ: The other aspect of this which as
17 you know certainly the effect on the environment does need
18 to be considered as well. I know for a fact being a native
19 Taosin myself that for the many generations that my family
20 has lived here and the neighbors in the different
21 communities, we have taken extremely good care of our
22 environment, the mountains, the waters and the air. I see
23 no reason or no indication that will ever change. We know
24 that we depend for our lives and our work on our
25 environment as well. For the future, the technical effects

1 from the Guadalupe site and all, I do believe that with a
2 good watchdog group and with the assurances and mitigation
3 techniques that have been proposed by the people who are
4 for reopening the mine. I think we can in fact achieve a
5 balance and we can put our people back into the community
6 where they belong. We can get people back to work, we can
7 start rebuilding Taos county which desperately needs it.

8 I think the effect on the human environment has
9 been stated before, has been absolutely terrible and
10 disastrous to our people from here and we need to work
11 together to bring it back because Taos is the most lovely
12 and wonderful place to be from and the people here who are
13 from here, and the area deserve the very best and the very
14 best effort that we can jointly produce for that. Thank
15 you.

16 HEARING OFFICER FOX: Thank you Mr. Hernandez.
17 Next speaker is Mr. Nick Martinez.

18 MR. MARTINEZ: I'm Nick Martinez, I'm a native
19 from Taos county, I was born in Valdez, however you can
20 write to me at Box 978, Taos. I have a clothing store in
21 Taos, I'm not speaking selfishly because I think of all the
22 guys that used to work at the mine, I probably had plenty
23 of good customer so its not a selfish thing that I'm doing
24 because I want my business to increase, thank God I've been
25 able to survive, but I know that our local people, our

1 natives from here that want to work here need the jobs that
2 Molycorp provides.

3 Molycorp besides helping other people with the
4 jobs, they also help in different communities including
5 Valdez, for irrigating they give us some of the pipes that
6 they have, for different things different communities
7 always are willing to use their machinery to help even in
8 cleaning the roads.

9 Our local people want to work here, they are
10 willing to work, with what has happened in the last three
11 years they'll have to go to South America, they have had to
12 go to Colorado, they have had to go to Nevada and other
13 places leaving their families, their land their houses
14 here in Taos.

15 We have a lot of new people that have come to
16 Taos that have opposed everything. I've been to several
17 meetings, their against the sign owners, against the
18 bypass, against anything their against. I respect their
19 views but when you go to Rome do as the Romans do. I lived
20 in California I didn't try to tell them how to run their
21 place over there. I didn't like it so I moved back to
22 Taos. I suggest to these people that if they don't like
23 Taos, move back where you came from.

24 You know I see now when I go to the bank once in
25 a while I see some of these people that good bank accounts

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1 You can see the rolls of money they have to deposit. You
2 also see them shopping at the grocery store with food
3 stamps, who foots that bill? We do. Our local people want
4 to work I know they do, a lot of them are related to me, a
5 lot of my friends that I've known from high school from
6 grade school.

7 Molycorp has not contributed to one death that I
8 know of because of the pollution, not one. The moral
9 pollution the drug pollution has killed some of our people.
10 This concerns me a lot more. They say that if you people
11 grant approval for tailings pond at the Guadalupe Mountains
12 where will the poor deer go, the snakes, the birds, we have
13 lots of mountains, lots of mountains, turn around in any
14 direction there is enough room for those bird, for those
15 deer, for those snakes to go to.

16 Scenic, there's enough scenic areas also. Places
17 to hike, lots of places. We don't, we have to work, we
18 don't have time to go hiking but for you who don't like to
19 work or don't have to work you get trust funds and money
20 from wherever you came from, there's still a lot of places
21 for you to hike. Let the jobs be for our people and you
22 can stay here, but live with us in harmony, don't oppose
23 everything we want. Our people need these jobs they
24 deserve these jobs. They are willing to work, we don't
25 have the money to go to college and get degrees which you

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1 people have left -- our people would love to have them but
2 they don't have the money to go. Like I say there's
3 already enough designated areas for hiking we don't need
4 any more.

5 I see the mines in Questa, the rocks, you can see
6 where they have an open pit, I don't think it looks bad. I
7 mean there's trees there's everything, we're blessed here
8 in northern New Mexico with all these mountains, all these
9 streams. A gentleman here says that Red River was one of
10 the main tributaries to the Rio Grande, I disagree.

11 There's a lot of rivers including the -- in Valdez where I
12 live, that provides a lot of water to the Rio Grande.

13 There's fishing, we went fishing at Eagle Nest last week.

14 There's room for everybody if we work together
15 but please don't oppose everything we want to do. A lot of
16 things are for the benefit of the people, they oppose the
17 sign ordinance, they oppose everything, the same people,
18 same faces.

19 MR. HOFFMEISTER: One minute please.

20 MR. MARTINEZ: So, I urge the BLM grant this
21 approval to MolyCorp, its a blessing to the people from
22 Taos and like I say its not from a selfish point because
23 thank God I've been able to survive. I haven't gotten rich
24 but I ate these last three years. I know its been hard for
25 a lot of our people. So please grant, and the ones that

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1 are opposed to it, you will see that you will still have
2 birds and deer and all the animals, I love them too I'd
3 like to see them myself. Thank you.

4 HEARING OFFICER FOX: Thank you Mr. Martinez.
5 Our next speaker is Bonnie Bonneau.

6 MS. BONNEAU: I'm Bonnie Bonneau, my address is
7 in El Prado and I represent the Legions of Living Light. -
8 - amongst the extraterrestrials but have very deep concerns
9 about what goes on in this planet and I'm not just sort of
10 passing through, I used to go through Questa quite
11 frequently when I lived in southern Colorado. I tried to
12 hitchhike from Taos to southern Colorado back between 1978
13 and 1982 while the mine was open.

14 If I got left in Questa, like a fool I'd walk
15 north because I didn't know there were tailings ponds out
16 there. The air was so bad while I was walking north my
17 eyes, no really, my nose would run and my eyes turned red
18 and I cried and cried. I mean the air quality was really
19 crummy on the streets of Questa at that point in time. I
20 would end up either going back to Taos or taking the bus or
21 going somewhere where I wouldn't be in Questa. And I
22 can't, you know, I hope that the air quality is better in
23 Questa now and the people that live on the streets don't
24 have all these bad symptoms if they have to walk for a mile
25 through that town. I wonder if they feel better now and if

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1 they have a better view. I think that its real strange
2 that this Environmental Impact Statement doesn't talk about
3 the air quality, doesn't talk about the standards, the dust
4 that was in the air there.

5 In regard to anything that doesn't get into your
6 lungs not being dangerous if you can get it into your eyes
7 or your nose or your mouth, you can ruin your mucous
8 membranes anyway and cause lesions and stuff. As far as
9 health quality goes, and also there's like the subject is
10 background, the way the background is related to the
11 background contamination in these Tables. Certain Tables
12 mention background contamination and certain Tables don't.
13 The background contamination is represented as stuff that's
14 in the soil absolutely all the time anywhere and
15 everywhere. However the areas where these tailings ponds
16 have more than just the natural background because they
17 also have the accumulated background of all the years of
18 tailings that have piled up there so there's got to be like
19 a cumulative effect of the background that was natural in
20 the earth, the background of the tailings and the ponds.

21 This Environmental Impact Statement is written as
22 though only this one pond is going to be open whereas all
23 the evidence you can find indicates that they want to have
24 three ponds open. So besides the contamination from the
25 one at Guadalupe site which is detailed in the

T-25 Air quality is addressed in Sections 2.2, 3.2, and 3.15 of the Draft EIS.

T-26 The potential for cumulative impacts is addressed in Responses to Comments 29-4 and 48-5.

1 Environmental Impact Statement there is also the added
2 accumulation of contamination from the other two sites
3 which have not been covered and may be in full operation in
4 producing incredibly more toxins at this point in time or
5 in some point in time I mean.

6 I know that people need jobs you know, we all can
7 use help from jobs where we don't go home with terrible
8 respiratory conditions along with all the species of birds,
9 I mean how are they going to know if the air quality is
10 dangerous or not even if you posted it somewhere.

11 This huge dam that your talking about building
12 sooner or later and like all such things is liable to crack
13 and break and those tailings are going to spill if there up
14 there, they're going to spill downhill don't you think? I
15 mean things like this don't last forever and I think any
16 accurate, like covering it up isn't going to make the
17 cement last forever any more than any other. You've got to
18 have consideration of these things are -- as all of us and
19 they will all eventually fall into the Rio Grande whether
20 you have it propped up real good at the start or not. I
21 wish you'd do a better impact statement and consider more
22 of these details. Thank you.

23 HEARING OFFICER FOX: Thank you Ms. Bonneau. The
24 next speaker is Mr. Del DuBois.

T-27 The construction, operation, maintenance, and inspection of the
dams would be monitored under a permit program regulated by the
New Mexico State Engineer.

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1 MR. DUBOIS: My name is Del DuBois, my address is
-2 Post Office Box 737, El Prado, New Mexico. I mainly, I
3 don't have very much to say. One thing is Molycorp has
4 said that if the tailings pond is built they may reopen,
5 they haven't guaranteed that they would reopen.

6 I'd like to suggest a compromise that would be
7 one possibility for the BLM, if the tailings pond is okayed
8 I'd like to see a provision in that approval that would say
9 that no construction would begin on the tailings pond until
10 they reopen the mine. If they need to have mine, I mean
11 the excess tailings to make the mine viable they should be
12 able to open the mine and then build the pond. The amount
13 of storage space still in the old mine should give them
14 enough lead time to get the new pond built but they
15 shouldn't be allowed, I , what I envision is a situation
16 like this; because they're holding jobs hostage for this
17 issue BLM will approve the tailings ponds so then they'll
18 go and build the tailings pond and then the price of
19 Molybdenum will fall even more because of the situations
20 totally outside of our control and then we'll have this
21 visual degradation and we won't have the mine or the jobs
22 either.

23 So I think as a compromise they should say that
24 they can't do any construction until they actually open the
25 mine. Thank you.

T-28 Molycorp has reopened the mine.

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1 HEARING OFFICER FOX: Thank you Mr. DuBois. Our
2 next speaker is Sylvia Nichols Boeck.

3 MS. BOECK: Hello, my name is Sylvia Nichols
4 Boeck, my address is P.O. Drawer T, Taos, New Mexico. I
5 don't have something prepared, I'd like to submit something
6 in writing. Okay.

7 My comment is first of all I'd like to add a
8 little light about the dissention and hostilities. Not
9 everyone that appears to be outsider really is. None of us
10 are really outsiders. Myself in particular, my family has
11 been here since 1800, in Roswell, Albuquerque, Las Vegas
12 and Las Cruces and they are made up of educators and
13 mining, engineering geologists and whatnot. Citizens,
14 workers whatever, I need money, I need work, I need land,
15 and I'm buying land above Questa. I have raised four
16 children, I'm a native of California, I have watched land
17 development, I was married to a former engineer and grading
18 contractor in major land development. I know how this
19 works, I've come from Orange County which is known quite a
20 bit for graft in California and a lot of the outsiders you
21 see are coming because they can no longer live where they
22 were formerly living in places we loved. That's why I'm
23 here, one of the reasons I'm here I happen to love New
24 Mexico too.

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1 I would suggest that you be exceedingly cautious,
2 opt for time, these fellows have plenty of money they can
3 afford it, they're mining and doing stuff in Australia.
4 They may be interested in bare earth, gold, and silver, who
5 knows what they're doing.

6 Everyone needs jobs, we don't need to be
7 dependent on a large corporation, there are ways to do this
8 and you should really be slow, buy time, beg for time and
9 get an independent watchdog, private citizens regroup to
10 watch what goes on here. You may not want to live here in
11 the future if your not careful and you may not want your
12 children to live here in the future if your not careful.
13 And I'm here for the long term and my family has been here
14 for long, long, long time. Thanks.

15 HEARING OFFICER FOX: Thank you Ms. Nichols

16 Boeck. The next speaker is Drue Bralov.

17 MS. BRALOV: I'll just pass --

18 HEARING OFFICER FOX: Alright. In that case the
19 next speaker is Frank Pazzaglia.

20 MR. PAZZAGLIA: Hello. My name is Frank
21 Pazzaglia, my address is 4157 Mesa Verde Avenue, in
22 Albuquerque, New Mexico. My comments are directed at BLM
23 and also the subcontractor that prepared the report. I
24 would like to say that I hope to respond by letter form to
25 many aspects of the report. I have read it very carefully

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1 and I'd like to respond by letter but I'd like to make a
2 few points known right now.

3 First of all I think its a good idea an EIS in
4 this form that is very manageable and very readable
5 however, something like this also does not include the
6 critical data that is really needed to evaluate the
7 situation at hand. Its difficult for the public and its
8 very difficult for professionals in the BLM to evaluate
9 this EIS without the data. Perhaps there should appendices
10 to this report or a separate report that is available that
11 you could obtain if you wanted to look at the data so you
12 can critically evaluate the analyses that are presented
13 here in the report.

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T-29 See Response to Comment 64-1.

14 The second point is that when that data is
15 presented it should be presented in the form that is
16 accepted by the EPA and by state agencies notably the EID
17 New Mexico so that meaningful comparisons between the data
18 that's presented here and that which exists in existing
19 databases could be made. Because if the site is in fact
20 viable and safe, you will have numbers to support that.

21 At this time I would just like to say that one
22 way of providing this data in EPA format would be to
23 include the entire list of priority pollutants plus forty
24 pollution lists thereby opening up the numbers that you get
25 here from the Molycorp site to a vast universe of data that

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T-30 See Response to Comment 64-1.

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1 exists throughout the United States and other Moly mines
2 and such like that. Thank you.

3 HEARING OFFICER FOX: Thank you Mr. Pazzaglia.

4 The next speaker is Mr. Robert F. Oakley.

5 MR. OAKLEY: My name is Robert F. Oakley, I also
6 reside at the post office like Mr. Pachero, Box 2386, Taos.

7 I was born and raised in Taos, graduated with a few people
8 that are sitting here in this audience. Started working
9 with Conn(phonic) Brothers at age 13, pumping gas, fixing
10 tires. I was not very impressive in High School, was asked
11 to leave, wanted to go to college, my folks couldn't afford
12 it. I enlisted in the United States Navy and served for
13 twenty-seven years. I returned home. My family told me
14 they wanted somewhere they could place their roots so that
15 they could receive their education.

16 Thank God and thank Molycorp. They helped me
17 provide education for four of my children -- New Mexico
18 State with degrees. They afforded me an opportunity that I
19 did not have and in the four years that I worked for
20 Molycorp I had the privilege of seeing an operation that
21 worked something similar that I had an opportunity to work
22 for five years in the United States Navy. I worked with
23 the nuclear power program on the U.S.S. Long Beach in the
24 auxiliary field. You talk about a watchdog? We had
25 Admiral -- Rickover as a watchdog. We made it work.

1 You've never heard of a nuclear power plant in the United
2 States Navy go down because we paid attention to detail and
3 this is what I found in the short years I worked for
4 Molycorp. I walked the tailings line right from the mill
5 all the way to tailings -- because we measured it, we
6 marked it, we knew exactly where every coupling was at,
7 etc., etc., etc.

8 Their concern for the environment was such that
9 they changed all the tailings lines to a rubber lined piece
10 of pipe of fourteen inches at an extreme amount of expense.
11 Because there were some environment problems but they
12 didn't want them to point the finger at Molycorp. Yet no
13 body asked God for an environment impact when it rained and
14 the -- was marked up by river. They even went another step
15 at the tailings dam, when there was the slightest amount of
16 dust there's a gentleman sitting in this room right now
17 that we worked on Easter Sunday spraying that dam to make
18 sure that we didn't have any dust floating in the air at a
19 tremendous amount of expense. -- they glued literally
20 glued the ground to keep that things from flying.

21 Now that tells me at this type of company is
22 entertaining and looks after the environment, I know good
23 and well that -- Guadalupe if it be Molycorp or if it be
24 whatever, the main thing is it is going to be here in Taos.
25 The Japs can take Molycorp and move it to Japan. Alright?

1 But it will provide us with an opportunity to maybe educate
2 your children like I had that opportunity. Now I just
3 thank God that it was given to me. Mr. Montoya took a
4 little bit of wind out of my sails with taxes, big impact
5 in Taos. I guess the bottom line is working together like
6 I had the privilege to work in the Navy in the nuclear
7 power program, having worked on both, there's always two
8 sides of the fence and what I see is that Molycorp has
9 always bent over backwards in order to make sure that their
10 end of it was up to snuff, maybe a little bit more.

11 I just hope that BLM will go ahead and approve
12 the tailings site at Guadalupe and then we can go about our
13 business. Thank you.

14 HEARING OFFICER FOX: Thank you Mr. Oakley. Our
15 next speaker is Mr. R. George Dewey.

16 MR. DEWEY: Good Afternoon. My name is Gene
17 Dewey. My address is 1201 W. 5th Street, Los Angeles and
18 I'm here representing Molycorp against the advice of our
19 eloquent speaking attorney, Mr. Ferland who said if your
20 not prepared don't get up there.

21 We had not planned to respond at this particular
22 hearing because we had plenty of opportunity obviously
23 within the scoping and draft and all of the responses to
24 the technical responses to speak and get our input into
25 this process. However, because of some of the issues

1 specifically that had been raised here today I felt
2 compelled to take a few minutes to at least in a summary
3 fashion to give you some of my input. We all know the
4 mining industry -- Molycorp has certainly witnessed this
5 over years. We've had many cycles since Molycorp's been in
6 operation at Questa since 1927.

7 There are good times and there are bad times and
8 this is certainly one of the bad times there's no question
9 about that, and everything that's said about the Moly
10 business here today is true. The business is not good,
11 copper producers can produce seventy percent of the Moly
12 and that's precisely why we're here today.

13 I've been involved in Molycorpo for over twenty
14 years. I came here a few years after the start-up and I've
15 been intimately involved in this operation since that time.
16 At a meeting a year ago with Senator Minache(phonetic) I
17 told him that this mine should be a government project. In
18 the twenty years that we have been here there have been
19 only a couple of years in which the mine was marginally
20 profitable.

21 We have however, in those twenty years learned
22 how to operate at a bread even rate most of the time and
23 the strategy has been simply that every one of us at that
24 mine, and there have been many of us, have understood the
25 concept that if we could somehow break even during the bad

1 times, when the good times come around we may be able to
2 make a little money in return for the company. In one way
3 or another through two different companies we've been able
4 to convince the management of those companies that some day
5 that might happen.

6 Needless to say that the credibility has not been
7 that great for the management of Unical since we talked
8 them into investing two hundred and fifty million dollars
9 into the mine in New Mexico and another fifty million into
10 a processing plant in Pennsylvania to try to make it even
11 more competitive if you will. Only to fall into a market
12 place that shut the thing down just two years after we got
13 it completed. But we have been trying to put together an
14 operation that will provide good wages and benefits as well
15 as provide a reasonable amount of security, and in this
16 business that's hard to do. But I think if you look back
17 on the records since 1965 MolyCorp has done reasonably well
18 -- three years have been bad another three year period of
19 bad times in the early 70's.

20 I'm here today to respond why the tailings pond
21 is a condition of reopening. This process started in 1972
22 when it became very obvious that open pit mine would never
23 be economic in the foreseeable future, by that I meant the
24 next two decades. We looked at various ways on how to keep
25 that mine going, we brought people in like Mr. Schumacher,

1 we had no underground expertise at that time. We brought
2 in underground people to study the underground
3 possibilities. In the 1920's there had been an underground
4 mine and we thought there might be potential. In fact, we
5 found potential, we found a great resource. A resource
6 that could last for decades under the right economic
7 conditions and during that time we evaluated all of the
8 various alternatives on how we might develop and keep that
9 resource there for another century or so.

10 We had spoken of this issue on other occasions
11 but only to mention that all the alternative sites had been
12 considered. The problem with tailings is not the question
13 of where it can be put, it's the question of volume that
14 your dealing with. Where do you have a voluminous base big
15 enough to handle this volume of material? There are
16 alternatives, the -- Canyon which is very close to the mine
17 would be a beautiful place for the tailings, it would save
18 the mine millions and millions of dollars however,
19 obviously from an environmental standpoint something as
20 precious as -- Canyon was never considered.

21 The pit looks like it's a big place to deposit
22 tailings, it has two problems. First off, it's a side hill
23 pit so in order to construct a dam to hold the quantity of
24 tailings your talking about it would be an earth moving
25 operation comparable to about what we did in about two or

1 three years of highest peak mining at the mine. Not only
2 that, but the mine as its developed -- back into what is
3 now the existing pit and that material will eventually if
4 it were placed up there as tailings, be allowed to flow
5 into that underground workings and obviously jeopardize the
6 people who are working there. So obviously that was ruled
7 out.

8 Another place that has a proper storage is the
9 fish hatchery and so on. However, we said that we want to
10 be able to start this mine up right now, try to figure out
11 how to break even in a short term, by the short term we
12 mean perhaps the next five to ten years, if we can just get
13 in business and break even. But its going to take us six
14 or seven years to develop that tailings pond, we have to
15 get permitting, we have to get the design engineering
16 approval, all of these things to make sure its going to
17 last forever. And this is precisely why, we've been in
18 this process now since 1981 as is demonstrated here.

19 If this mine gets started and we only go in and
20 break even for a few years and then we run up into a blank
21 wall because we haven't met some environmental conditions,
22 and we have to shut down at the very time it might be
23 profitable, it'll never reopen again, I'm sure of that, and
24 that's precisely why we're here today. We want to try
25 assure the long term continuity of that operation, not

1 withstanding the fact that we have short term unemployment
2 cycle such as we have today. Thank you very much for your
3 time.

4 HEARING OFFICER FOX: Thank you Mr., Dewey. Let
5 me say I would like to thank the speakers so far for their
6 clarity of the presentation and you the people for your
7 allowing hearing of the speakers. Now all the speakers
8 that have signed up that I have, have spoken. I would like
9 to ask at this time if there's anyone else in the audience
10 that would care to make a statement for the record. If you
11 would like to do so, please come forward at this time. I
12 can allow you to sign in here and you can give a statement.
13 Is there anyone who would like to do that?

14 MR. REAL: Yes, may I? My name is Wilford Real,
15 my box number is 603 in Questa. I live along the Red
16 River, I've lived there most of my life and I know a lot of
17 people here because I also worked at the mine for about
18 fourteen years. You know I realize that all of us have to
19 be thankful as communities to the mine for all the benefits
20 that have come through it to us. Mostly of jobs you know,
21 I think all that is in order but, we have to settle
22 priorities, what is important.

23 I heard a lot of mention here that we have been
24 in these communities, the native people, for centuries.
25 Yes, that is true we have been here for centuries and I

1 think that we want to continue to live here for centuries.
 2 We are talking about something that will provide jobs for
 3 many twenty, thirty years well, when our ancestors came
 4 here originally, did they have a job at the mine? Is that
 5 why they came? Is that why they settled here? Or did they
 6 have alternatives to living here. Why did they love this
 7 land?

8 We say that we're blessed with a lot of mountains
 9 and a lot of area here in northern New Mexico that, there's
 10 plenty of room for everybody, well that is true too but,
 11 when you live in Questa and you realize that the existing
 12 tailings dams have already started to contaminate the wells
 13 that are below it, and you look behind your back door and
 14 you look at the Red River and its running completely blue.

15 Yes, there is a lot of space in northern New
 16 Mexico but when it is your own back yard it hurts you.
 17 Because maybe we realize the pain and -- comes through
 18 sickness and disease when we're affected by contaminants.
 19 I am not an expert to say that Molycorp, the tailings are
 20 harmful, that its killed several people in town or, none of
 21 us can say that but when the Food and Drug Administration
 22 test a new drug to put it in the market, they use rats or
 23 guinea pigs.

24 In Questa they tell us we have or from what I
 25 have seen, we have insufficient data. We don't know what

The safe exposure level of molybdenum, determined from studies and experience, is 5 milligrams per cubic meter (mg/m³). The maximum potential airborne exposure from the tailings pond was determined to be 1.6 percent of one-thousandth of this safe level.

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Cont.

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1 the long term affects of Molybdenum are on people. Yes,
2 there are studies in Armenia. Oh but what do the Russians
3 know about long range, long term things like that, like
4 disease. What do they know about it, yes I'm not saying
5 stop the mine, get rid of them. I'm saying that we should
6 have some caution, because it is our backyard in Questa, it
7 is our community that these tailings lines go through and
8 everybody that's worked there has seen the effects of those
9 breaks when they go under the river that the entire river
10 turns gray. In my back yard there's no longer any fish in
11 the river.

12 I participated in a test that the state Game and
13 Fish did on the river. They did not find one live fish in a
14 segment above the first diversion to the first acequia, the
15 Red River. Not one fish was alive in that area. You know,
16 we've got to think about the long term. We're talking
17 about jobs for us for twenty years, yes, me and my kid are
18 going to work at the mine, but how about our grandchildren?
19 What is going to be left for them?

20 Like somebody mentioned we're going to have to
21 leave this place because we're not going to be able to live
22 here if we don't take care of it. I think that as a
23 community we ought to think about how we respect what we
24 have.

25 MR. HOFFMEISTER: One minute.

1 MR. REAL: I think we primarily should have faith
2 and that is the way things are provided to us. But faith
3 in what? I say you've got to have faith in God not faith
4 in a corporation. We cannot place our faith in something
5 like that that can turn around and tell us sorry, like they
6 have done so many times up at the mine. Thank you.

7 HEARING OFFICER FOX: Thank you Mr. Real.

8 MR. DUBOIS: I'm Eliot DuBoise, Post Office Box
9 846 El Prado. I'll be very brief, I would just like to
10 suggest that if the tailings pond project does go through,
11 that MolyCorp finds some way to compensate for the
12 degradation of the environment that will result. One way
13 that they could do it would be to enhance the immediate
14 corridor of the wild and scenic river. There are places
15 along the Rio Grande where the corridor that is dedicated
16 to the wild and scenic river is very narrow, there are
17 places where there are private in holdings.

18 If MolyCorp could find it possible within their
19 resources to buy some of that land and deed it to the BLM
20 as a part of the wild and scenic river corridor, then I
21 think there would be some degree of balance, some gain to
22 the environment to compensate for the loss to the
23 environment because of the tailing pond. Thank you very
24 much.

25 //

1 HEARING OFFICER FOX: Thank you Mr. DuBois. Was
2 there another gentleman?

3 MR. CHAVEZ: My name is Eilas Chavez. My address
4 is Post Office Box 24 here in Taos. I worked for Molycorp
5 over twenty years, all my descendants are from Taos area
6 from El Prado but being what that is I may duplicate some
7 of the things that were said here today. I think that for
8 the information that a lot of people who had no information
9 what went on at Molycorp.

10 Molycorp management was very responsible to the
11 effect of how we operated those tailings lines. In a
12 matter of minutes when we had a disaster lines were
13 diverted, tailings were cut off and people were down there
14 working on those lines. Many of those times the cameras
15 and news people were all over the place but they never
16 talked to the people who worked there, the people who
17 manned those lines and it didn't take but a matter of
18 seconds to get down there and do what had to be done. And
19 everybody was interested in protecting the environment
20 because those people were born and raised there. They
21 loved fishing, they love hunting, just like anybody else
22 does.

23 But the things that Molycorp had, we had monitors
24 to monitor the floor of the lines in case something
25 happened, the man that was in the control room

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1 automatically knew there was a problem with that line. We
2 had people patrolling the lines who immediately went to see
3 what the problem was and reported it and everybody tried to
4 do their job, work together to protect the river, protect
5 the environment. They also, as was stated here before,
6 they installed rubber lined pipe to avoid some of these
7 problems. A lot of the times you had maybe a little
8 pinhole which went into the river and made it look like we
9 had been dumping tailings for hours, and this rubber lined
10 pipe protected, gave us protection and after those lines
11 were installed there wasn't any problem in the canyon. The
12 dust control, there were people monitoring those areas
13 every day to make sure that it was either under water or
14 that we had the time to be able to spray those areas and
15 keep that dust under control.

16 I think that we need to work together so that
17 everybody is aware of what actually goes on up there
18 because most of the time Molycorp management is made out to
19 be somebody who is irresponsible and will not react or
20 protect the environment and I think that, I know that was
21 one of the number one priorities all the time I worked up
22 there. Because I was associated with the tailings line
23 from day one, from the day I went to work in December 8,
24 1965 till I left there in 1986. Thank you.

25 //

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1 HEARING OFFICER FOX: Thank you Mr. Chavez. Are
2 there any other persons who would care to --

3 MS. HARRISON: My name is Mary Harrison, I spoke
4 last night. My Post Office Box is 254, Questa and I would
5 just like to make a point of clarification for my concern
6 for the chronic low level exposure to the high
7 concentrations of lead in the Molycorp emissions. Number
8 one your data is insufficient to rule out health risk.
9 There have been no health studies on the people of Questa.
10 Studies need to be done and it is Molycorp's
11 responsibility to the community to see that they are done.

12 HEARING OFFICER FOX: Thank you. Are there any
13 other speakers? Persons who would like to speak? Say
14 none. I'm declaring this hearing adjourned. I want to
15 thank you again for your attention, for your attendance,
16 good bye, God bless you.

17 (Whereupon, at 1:30 p.m. the above-entitled
18 matter was concluded.)
19
20
21
22
23
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The potential for airborne lead exposure has been shown to be minimal. Refer to Table 3-11 in the Draft EIS and to Response to Comment 71-1.

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CERTIFICATE OF REPORTER

This is to certify that the attached proceedings

before: BUREAU OF LAND MANAGEMENT

In the Matter of:

PUBLIC HEARING

RE: MOLYCORP GUADALUPE MOUNTAIN TAILINGS DISPOSAL FACILITY
ENVIRONMENTAL IMPACT STATEMENT

Docket No:

Place: Taos, New Mexico

Date: January 21, 1989

were held as herein appears, and that this is the
ORIGINAL transcript thereof for the files of the
Department.

Martin Jink
Reporter

3.0 MODIFICATIONS AND CORRECTIONS

3.1 Text Revisions to the Draft EIS

Table 3-1 presents page by page text modifications to the Draft EIS in tabular form. Column 1 indicates the page in the Draft EIS on which the correction occurs; Column 2 indicates the paragraph in which the correction occurs (P represents a partial paragraph at the top of the page); Column 3 indicates the line within the paragraph; and Columns 4 and 5 present the text as it occurs in the Draft EIS ("Is") and how it should be corrected or modified ("Should Be").

TABLE 3-1

MODIFICATIONS AND CORRECTIONS

Page	Paragraph	Line	Is:	Should Be:
1-10	3	6	● Molycorp will minimize sustained contact of open water from the clarification pond with the natural ground by locating the clarification pond and decant facility in the central portion...	● Molycorp will minimize the sustained contact of clear water (water within the clarification pond) with the natural ground by locating the water decant facility in the central portion...
1-11	P ¹	3	...along the flanks of the valley between the main dams.	...along the two flanks of the valley between the main dams.
1-11	P	6	...pervious fractured bedrock underneath the overburden.	...pervious fractured bedrock underneath the overburden, i.e., a minimum amount of overburden will be left in place to provide a natural barrier for seepage.
1-11	P	9	...active tailings impoundment area, so that subsequent discharge of tailings slurry directly over such a quarry will enable deposition of tailings solids over the exposed rock surface without long-term ponding of clear water.	...tailings impoundment area, such as a typical terraced side hill-cut configuration. Subsequent discharge of tailings slurry directly over such a quarry will enable deposition of tailings solids over the exposed rock surface without long-term ponding of clear water directly on it.
1-11	P	13	● Molycorp will minimize the area of the clarification pond. Subject to water depth and other operational details, it is believed that a 50-acre pond (or possibly less) would be sufficient for the planned operation.	● Because the clarification pond constitutes the principal source of steady seepage and imposes the greatest hydraulic gradients on the tailings below it, Molycorp will minimize the area of the clarification pond. The actual size of the pond required for adequate clarification of the water before decanting will depend on the water depth and other operational details. It is believed that a 50-acre pond (or possibly less) would be sufficient for the planned operation.
3-9	1	6	indicate this impact would not be significant in that the quality of groundwater would not be modified as a result of tailings pond seepage to the extent that water used by established users (e.g., BLM visitor's center well, municipal wells) was measurably reduced or the water quality was in violation of State water quality standards because of the introduction of contaminants.	indicate that established use of groundwater (e.g., BLM visitor's center well, municipal wells) would not be impacted and that the water quality would not violate State water quality standards.
	2	13	head of the Red River Canyon (Dames & Moore 1987). It was further...	head of the Red River Canyon (Dames & Moore 1987). The 50 cfs of underflow represents groundwater discharging from the north bank of the Red River and the east bank of the Rio Grande. It was further...

TABLE 3-1 (CONTINUED)

Page	Paragraph	Line	Is:	Should Be:
3-10	1	6	proposed tailings impoundment would range from 0.2 cfs...	proposed tailings impoundment would range from 0.3 cfs...
3-18	P	5	Livestock grazing reductions for the 30-year life of the project would also occur...	Livestock grazing reductions would occur for the life of the project...
4-2	3	8	[Blank]	Add: New Mexico Energy, Minerals, and Natural Resources Department.

¹p = partial paragraph.

3.2 Revised Tables

This section presents complete tables from the Draft EIS that have been revised, expanded, or updated for the Final EIS. The tables are presented in numerical order.

REVISED TABLE 1-3

WATER QUALITY PARAMETERS DISCHARGED DURING OPERATION
OF EXISTING MOLYCORP TAILINGS IMPOUNDMENT
(DAILY MAXIMUM IN mg/l)

Parameters	Discharge ¹ Value	NPDES Permit Limit
Chemical Oxygen Demand	13	90
Total Suspended Solids	8	30
Cyanide	0.0032	0.05
Fluoride	2.4	3.0
Arsenic	0.01	1.0
Cadmium	0.02	0.05
Copper	0.03	0.30
Iron	0.48	0.60
Lead	0.08	0.60
Manganese	0.56	1.50
Molybdenum	0.91	2.0
Zinc	0.06	0.20
Mercury	0.0002	0.002
pH	6.7 - 8.8	6.0 - 9.0

¹ Maximum daily values as reported to EPA in Discharge Monitoring Reports for 1985 for NPDES Outfall 001 considered to be most representative of the discharge to the Red River from the proposed tailings pond.

REVISED

TABLE 1-4

MAJOR PERMITS AND AUTHORIZING ACTIONS REQUIRED
FOR THE MOLYCORP TAILINGS DISPOSAL FACILITY

Agency	Required Permit or Authorization
<u>Federal</u>	
Department of the Interior	Compliance with the National Environmental Protection Act
Bureau of Land Management	Approval of Plan of Operation
Bureau of Land Management (Coordinated with New Mexico State Historic Preservation Office)	Cultural Resources Mitigation Plan Section 106 Review
Fish and Wildlife Service	Compliance with: Endangered Species Act Eagle Protection Act Fish and Wildlife Coordination Act Migratory Bird Treaty Act
Environmental Protection Agency	National Pollution Discharge Elimination System (NPDES) Permit
Department of the Army	
Corps of Engineers	Compliance with Section 404 of the Clean Water Act
Department of Labor	Permit to Transport and Store Explosives
<u>State</u>	
State Historic Preservation Office (Coordinated with BLM)	Section 106 Review Cultural Resources Mitigation Plan
Environmental Improvement Division	Approval of Groundwater Discharge Plan
State Engineer	Permit Program for Construction, Operation, Maintenance, and Inspection of Dams

REVISED
TABLE 2-3

TSP CONCENTRATION SUMMARIES FOR NMEID
(QUESTA HIGH SCHOOL) MONITORING SITE

Year	Number of Samples	Annual Geometric Mean ($\mu\text{g}/\text{m}^3$)	Highest Concentration ($\mu\text{g}/\text{m}^3$)	Date	2nd Highest Concentration ($\mu\text{g}/\text{m}^3$)	Date
1979	9	(85) ¹	216	6/18	145	7/3
1980	18	45	82	12/16	75	9/29
1981	54	49	399	2/21	<u>180</u> ²	1/22
1982	52	34	301	6/4	<u>161</u> ²	6/11
1983	48	38	186	11/2	136	5/31
1984	67	44	280	4/24	138	11/8
1985	37	36	119	8/23	83	1/22
1986	38	18	97	4/14	46	3/7
1987	49	22	80	4/27	75	5/21
1988 ³	57	32	380	6/20	<u>253</u> ²	6/14

Source: New Mexico Environmental Improvement Division

¹ () indicate insufficient data to determine reliable average.

² Underlined values indicate violation of Federal Ambient Air Quality Standards.

³ Sites surveyed across the rural western United States in 1988 showed significant increases in TSP concentrations over 1987. Drought and fires contributed to the increase.

REVISED TABLE 2-4

WATER QUALITY OF RIO GRANDE AND RED RIVER¹

Parameter	Rio Grande Near Cerro	Red River ² Below Questa	Red River Above Fish Hatchery ³	Surface Water Quality Standards	
				Rio Grande and Red River ⁴	Red River ⁵
Temperature (° Celsius)	11.1(51)	8.9(64)	9.5(54)	<20°C	<20°C
pH, field (median value)	8.2(49)	7.6(59)	7.9(51)	6.6 to 8.8	6.6 to 8.8
Sediment suspended (mg/l)	40.4(31)	201(45)	134(33)	Not available	Not available
Specific Conductance (μmhos)	233(51)	258(61)	403(53)	Not available	<400
Hardness (mg/l as CaCO ₃)	75(28)	117(32)	216(29)	Not available	Not available
Cadmium total (mg/l)	0.00015(37)	0.00064(43)	0.00039(39)	0.001 ⁶	0.001 ⁶
Copper total (mg/l)	0.005(23)	0.0252(29)	0.0234(24)	0.012 ⁶	0.012 ⁶
Cyanide total (mg/l)	0.00(15)	0.00004(18)	0.00001(18)	0.005 ⁶	0.005 ⁶
Iron dissolved (mg/l)	0.0662(45)	0.0277(42)	0.0177(32)	1.0 ⁶	1.0 ⁶
Sulfate dissolved (mg/l)	0.0362(24)	0.0782(27)	0.196(24)	Not available	Not available
Manganese dissolved (mg/l)	0.0149(43)	0.3613(49)	0.2523(48)	0.005 ⁷	0.005 ⁷
Molybdenum total (mg/l)	0.0051(33)	0.0127(56)	0.1564(53)	1.0 ⁸	1.0 ⁸
Nitrogen total (mg/l)	0.97(28)	0.59(32)	0.69(28)		<1.0
Phosphorus total (mg/l)	0.12(28)	0.11(35)	0.06(28)		<0.1

REVISED TABLE 2-4 (CONTINUED)

Parameter	Rio Grande Near Cerro	Red River ² Below Questa	Red River Above Fish Hatchery ³	Surface Water Quality Standards	
				Rio Grande and Red River ⁴	Red River ⁵
Zinc total (mg/l)	0.0317(44)	0.1210(58)	0.0739(53)	0.047 ⁶	0.047 ⁶
Total Organic Carbon (mg/l)	5.06(44)	3.51(51)	2.49(42)	Not available	Not available

¹Average of values for selected parameters, collected by the BLM, analyzed by the U.S. Geological Survey (Denver) from October 1978 to December 1986. Number of samples is in parentheses.

²Station located 1 mile above existing tailings discharge point.

³Station located 0.5 mile below existing tailings discharge point.

⁴The main stem of the Rio Grande from Taos Junction Bridge upstream to the Colorado-New Mexico line, the Red River from its confluence with the Rio Grande upstream to a point 1.5 miles above the bridge at the Red River Fish Hatchery.

⁵The Red River from a point 1.5 miles above the bridge at the Red River Fish Hatchery upstream to its headwaters including all tributaries thereto.

⁶EPA criteria for chronic toxicity upon which NMEID bases their water quality standards. No numerical standards are published by the NMEID.

⁷EPA water and fish ingestion criteria.

⁸New Mexico standard for irrigation use.

TABLE 2-4a

RANGES FOR WATER QUALITY PARAMETERS - RIO GRANDE NEAR CERRO

Parameter	Mean	Minimum	Maximum
Temperature (°C)	11.1(51)	0.00	22.00
pH, field (median value)	8.2(49)	7.2	9.1
Sediment suspended (mg/l)	40.4(31)	3.0	181.0
Specific Conductance (μ mhos)	233(51)	85	420
Hardness (mg/l as CaCO_3)	75(28)	37	130
Cadmium total (mg/l)	0.00015(37)	0.00	0.0010
Copper total (mg/l)	0.0049(23)	0.0010	0.0150
Cyanide total (mg/l)	0.00(15)	0.0	0.0
Iron dissolved (mg/l)	0.0662(45)	0.0060	0.2100
Sulfate dissolved (mg/l)	36.2(24)	15.0	81.0
Manganese dissolved (mg/l)	0.0149(43)	0.0030	0.1700
Molybdenum total (mg/l)	0.0051(33)	0.0	0.0410
Nitrogen total (mg/l)	4.3(28)	1.5	18.0
Phosphorus total (mg/l)	0.12(28)	0.02	0.32
Zinc total (mg/l)	0.0317(44)	0.0	0.1000
Total Organic Carbon (mg/l)	5.06(44)	1.60	12.00

Note: Number of samples is shown in parentheses.

TABLE 2-4b

RANGE FOR WATER QUALITY PARAMETERS - RIO GRANDE BELOW QUESTA

Parameter	Mean	Minimum	Maximum
Temperature (°C)	8.9(64)	0.50	20.00
pH, field (median value)	7.6(59)	7.0	8.8
Sediment suspended (mg/l)	200.8(45)	7.0	1780.0
Specific Conductance (μmhos)	258(61)	125	332
Hardness (mg/l as CaCO ₃)	117(32)	60	150
Cadmium total (mg/l)	0.00064(43)	0.0	0.0060
Copper total (mg/l)	0.0252(29)	0.0080	0.0650
Cyanide total (mg/l)	0.04(18)	0.00	0.77
Iron dissolved (mg/l)	0.0277(42)	0.0040	0.4400
Sulfate dissolved (mg/l)	78.2(27)	27.0	120.0
Manganese dissolved (mg/l)	0.3613(49)	0.060	1.1000
Molybdenum total (mg/l)	0.1270(56)	0.0	0.1100
Nitrogen total (mg/l)	2.6(32)	2.7	7.5
Phosphorus total (mg/l)	0.11(35)	0.01	1.40
Zinc total (mg/l)	0.1210(58)	0.0200	0.4900
Total Organic Carbon (mg/l)	3.51(51)	0.60	21.0

Note: Number of samples is shown in parentheses.

TABLE 2-4c

RANGES FOR WATER QUALITY PARAMETERS - RED RIVER ABOVE FISH HATCHERY

Parameter	Mean	Minimum	Maximum
Temperature (°C)	9.5(54)	2.0	18.0
pH, field (median value)	7.9(51)	7.1	8.5
Sediment suspended (mg/l)	134.4(33)	2.0	1970.0
Specific Conductance (μmhos)	403(53)	130	945
Hardness (mg/l as CaCO ₃)	216(29)	62	440
Cadmium total (mg/l)	0.0004(39)	0.00	0.0030
Copper total (mg/l)	0.0234(24)	0.0040	0.0956
Cyanide total (mg/l)	0.01(18)	0.00	0.11
Iron dissolved (mg/l)	0.0177(32)	0.0030	0.0560
Sulfate dissolved (mg/l)	196.2(24)	29.0	430.0
Manganese dissolved (mg/l)	0.2523(48)	0.0680	0.8500
Molybdenum total (mg/l)	0.1564(53)	0.0090	0.8400
Nitrogen total (mg/l)	0.69(28)	0.22	2.20
Phosphorus total (mg/l)	0.06(28)	0.01	0.46
Zinc total (mg/l)	0.0739(53)	0.0200	0.3500
Total Organic Carbon (mg/l)	2.49(42)	0.70	9.00

Note: Number of samples is shown in parentheses.



STATE OF NEW MEXICO
OFFICE OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION

2000 KENNEDY BOULEVARD, N.E.
SANTA FE, NEW MEXICO 87505
(505) 425-4224

THOMAS W. MCELROY
DIRECTOR

RECEIVED 04/03/89
HISTORIC PRESERVATION DIVISION

June 23, 1989

Mr. J. Chavez
Area Manager
Taco Resource Area
Bureau of Land Management
P.O. Box 6166
Taco, New Mexico

APPENDIX A

CONSULTATION WITH THE NEW MEXICO STATE
HISTORIC PRESERVATION OFFICE

Re: Draft data recovery report for the MolyCorp tailings facility project.

Dear Mr. Chavez:

I have carefully reviewed the data recovery report from the Office of Cultural Archaeology for the tailings facility project area on Guadalupe Mountain, and I am impressed by the thoroughness and quality of the work. The report is well written and clearly presents the findings of the investigation. I am particularly impressed by the thoroughness of the field work and the quality of the data recovery. I am confident that the report will be a valuable contribution to the understanding of the site and the area. I am also impressed by the thoroughness of the report and the quality of the data recovery. I am confident that the report will be a valuable contribution to the understanding of the site and the area.

While I agree with the author of the report that a number of important and interesting findings were made, I am also aware of the limitations of the investigation. I am particularly aware of the limitations of the data recovery. I am confident that the report will be a valuable contribution to the understanding of the site and the area. I am also impressed by the thoroughness of the report and the quality of the data recovery. I am confident that the report will be a valuable contribution to the understanding of the site and the area.

I also would like to commend the author of the report, Mr. Thomas W. McElroy, for his thoroughness and quality of work. I am confident that the report will be a valuable contribution to the understanding of the site and the area. I am also impressed by the thoroughness of the report and the quality of the data recovery. I am confident that the report will be a valuable contribution to the understanding of the site and the area.

Sincerely,

Lynne Sebastian

Lynne Sebastian
Deputy State Historic Preservation Officer

to log 10149



ARREY CARRUTHERS
GOVERNOR

STATE OF NEW MEXICO
OFFICE OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION

VILLA RIVERA, ROOM 101
228 EAST PALACE AVENUE
SANTA FE, NEW MEXICO 87503
(505) 827-8320

HELMUTH J. NAUMER
CULTURAL AFFAIRS OFFICER

THOMAS W. MERLAN
DIRECTOR

June 28, 1989

M. J. Chavez
Area Manager
Taos Resource Area
Bureau of Land Management
P.O. Box 6168
Taos, New Mexico 87571

Re: Draft data recovery report for the MolyCorp tailings facility project

Dear Mrs. Chavez:

I have carefully reviewed the data recovery report from the Office of Contract Archeology for the tailings facility project area on Guadalupe Mountain, and interestingly enough had reached the same conclusions as those expressed in your letter of June 23, 1989, before I received the letter. Therefore I concur with your suggestion that this project should be considered as having no adverse effect on significant cultural resources as a result of data recovery--with the provision that the projectile point study be completed.

While I agree with the author of the report that a number of interesting and important studies remain to be done with the Guadalupe Mountain materials, especially more detailed studies of assemblage variability, I concur with your assessment that these studies need not be completed at this time in order for the data recovery effort to constitute adequate mitigation of effects to the sites. The projectile point study, however, with its potential to contribute temporal information, is essential to the mitigation effort.

I also would like to comment on the excellent job done by Mr. Seaman and his analytical team. This is an outstanding report and represents a very creative approach to a number of difficult analytical problems. Thank you for the opportunity to review this report.

Sincerely,

Lynne Sebastian
Deputy State Historic Preservation Officer

ls: log 20149

REPORT NO. 100
MAY 1964
REVIEW OF ALTERNATE SITES
APPENDIX B
REVIEW OF ALTERNATE SITES

Distribution: 3 copies Maycorp Inc.
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September 23, 1964

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QUESTA NEW MEXICO

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September 29, 1989

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1.0 INTRODUCTION

With the necessary foresight in anticipation of the development of the new Goat Hill underground mine, Molycorp Inc. initiated in 1974 a process of long range planning for disposal of tailings from their Questa operation in northern New Mexico. This process consisted of two principal components:

- (1) engineering studies aimed at optimizing the storage capacity of the existing facility in Sections 35 and 36, and
- (2) a comprehensive search for potential alternate sites for developing a new disposal facility to make up the shortfall in capacity of the existing facility.

Through this effort, a saddle valley on the Guadalupe Mountain, approximately half of a mile to the northwest of the Section 35 area, was identified as the best alternate site for the stated purpose. After the completion of an engineering feasibility study which received a favourable response from the State Engineer's Office at a review meeting in February of 1982, formal application by Molycorp to the Bureau of Land Management (BLM) for the use of this area for tailings disposal began with the submission of a Plan of Operations in May, 1982. This plan described various alternate sites which were examined. In the interval, public information meetings as well as several technical briefing and review meetings with State Officials were held, an Environmental Assessment (EA) document was drawn up by the BLM followed by an Environmental Impact Statement (EIS) also prepared by the BLM. The regulatory review process to date has been a protracted one and is still on-going.

In the interval, there have been changes in personnel at both

Molycorp and in the offices of the Regulatory Authorities. In view of this and the long time span, together with the changes in conditions related to the mining operation, it is timely to provide an updated review of the site selection process which led to the application under consideration. The supplementary study reported herein was commissioned by Molycorp for this main purpose.

consisted of two principal components:

- (1) engineering studies aimed at optimizing the storage capacity of the existing facility in sections 35 and 36, and
- (2) a comprehensive search for potential alternative sites for developing a new disposal facility to make up the shortfall in capacity of the existing facility.

Through this effort, a saddle valley on the Goodridge Mountain, approximately half of a mile to the northwest of the section 35 area, was identified as the best alternative site for the stated purpose. After the completion of an engineering feasibility study which received a favourable response from the State Engineer's Office at a review meeting in February of 1982, formal application by Molycorp to the Bureau of Land Management (BLM) for the use of this area for tailings disposal began with the submission of a Plan of Operations in May, 1982. This plan described various alternative sites which were examined. In the interval, public information meetings as well as several technical briefing and review meetings with State Officials were held, an Environmental Assessment (EA) document was drawn up by the BLM followed by an Environmental Impact Statement (EIS) also prepared by the BLM. The regulatory review process to date has been a protracted one and is still on-going.

In the interval, there have been changes in personnel at both

2.0 FUNDAMENTAL APPROACH IN THE SITE SELECTION PROCESS

There are many complex issues entering the site selection process and it is often difficult to quantify the relative significance of at least some of the factors so that a definitive ranking of sites, in terms of numerical points of merit, is of dubious value, if at all possible. However, in the present instance, a fundamental objective of minimizing the number of new disposal sites enabled an initial screening process to be carried out, thereby reducing the number of sites to be considered in detail. Comparison of the remaining potential sites was then carried out, guided by major considerations in the following categories, given in the order of priority:

- environmental impact
- structural safety, and
- economics.

As described in Section 4.0, this site selection clearly points to the Guadalupe site as the most favourable, based on environmental and safety considerations, although probably not in terms of economics.

3.0 EXPANSION OF EXISTING SECTIONS 35-36 AREA

3.1 Status of Engineering Designs

in 1975, detailed engineering designs for expansion of the Sections 35-36 areas were submitted to and approved by the State Engineer of New Mexico. That design provided for raising the perimeter dams in Section 35 to an elevation of 7570 and in Section 36 to an elevation of 7560.

In 1978, a conceptual study suggested that, from a geotechnical engineering point of view, further expansion of the two areas involving raising the perimeter dams in Section 35 to an ultimate elevation of 7608 and in Section 36 to an ultimate elevation of 7610 might be feasible. Following this conceptual plan, detailed engineering designs for expanding Section 36 to the ultimate height were developed and received formal approval from the State Engineer in 1981. To date, detailed designs for expanding Section 35 to the ultimate height in the conceptual plan are yet to be developed.

3.2 Status of Dam Construction and Tailings Deposition

The perimeter dams in Section 35 are currently at a crest elevation of 7517 with impounded tailings up to an elevation of approximately 7510 immediately behind the main dam. Corresponding elevations in Section 36 are 7584 and 7560, respectively.

3.3 Potential Storage Capacities

From the surface elevations of the tailings as existing at present, the remaining storage capacity of the facility within the limits of the approved designs indicated in 3.1 above is estimated at approximately 70 million tons, consisting of 20 million tons in

Section 36 and 50 million tons in Section 35.

If Section 35 is raised according to the conceptual plan to an ultimate elevation of 7608, an additional capacity of approximately 40 million tons would be created. However, there are some concerns regarding the structural safety aspects of the scheme as proposed at present, which involves the upstream method of construction along the west side. Special measures which may be required to secure this part of the perimeter against potential instability due to liquefaction initiated by seismic activities may significantly influence the economics of the construction. Practical difficulties in coordinating this type of construction with tailings deposition operations are also involved, as demonstrated by experience to date. The true merits of this part of the conceptual plan therefore have yet to be proven through the normal process of detailed design and regulatory approval. In view of this important uncertainty, the extra storage capacity of 40 million tons mentioned above is by no means positively assured at this time.

4.0 SELECTION OF ALTERNATE SITES

A comprehensive search based on topographical information on available vacant land in the general area of the mine identified 14 sites in addition to the existing Sections 35-36 area for initial examination with respect to their suitability for the purpose under consideration. Their locations and general characteristics were given in Section V of the Plan of Operations submitted by Molycorp in May 1982.

4.1 Initial Screening

As indicated earlier, a primary criterion used in the site selection process was that the candidate site should have a storage capacity sufficient to make up the shortfall of the expanded Sections 35-36 area over the anticipated life of the Goat Hill underground mine. The proven ore reserve gives a total quantity of 250 million tons of tailings as indicated in the Plan of Operations. With the estimated storage remaining in the Sections 35-36 area in the range of 70 to 110 million tons mentioned earlier, depending on the final planning for Section 35, a target range of storage capacity of 140 to 180 million tons for the new tailings disposal facility will therefore be required. This target range of storage capacity provided the basis for initial screening of the alternate sites.

Eight of the sites were immediately dismissed as unsuitable on account of their very small potential storage capacities as tabulated below (site numbers refer to those designated in the Plan of Operations and storage capacities are given in million tons):

SITE NO.	NAME	STORAGE CAPACITY
3	Questa	50
6	Largo Canyon	9
8	Capulin Canyon	13
9	Goat Hill Gulch	11
10	South of Goat Hill	17
13	Spring Gulch	50
14	Chamber's Springs	1
15	Deer Creek	74

Three of the remaining sites have potential storage capacities of 100 million tons or more but still short of the target range of 140 to 180 million tons. These are:

SITE NO.	NAME	STORAGE CAPACITY
5	Fish Hatchery	120
7	Bear Canyon	100
12	Open Pit	120

Their marginal storage capacities, combined with other environmental and safety considerations, were also considered sufficient to eliminate them from the short list of potential candidate sites. Specifically, these concerns were:

- potential impact on the existing Fish Hatchery, the largest in the State,
- potentially severe long term impact on wild life at the Bear Canyon site, a likely habitat for raptors, some of which are endangered species,
- structural safety involving an 850-foot high dam at the Bear Canyon site, and
- potential safety risks to the Goat Hill underground mine workings adjacent to the open pit site.

4.2 Final Selection

The remaining three sites after the initial screening met the storage capacity requirement. These are:

SITE NO.	NAME	STORAGE CAPACITY
1	Cerro	200
2	Guadalupe Mountain	200
11	Columbine Canyon	500

Although the Columbine Canyon site has more than sufficient storage capacity, it could only be secured at the expense of a very high (1100 feet) impoundment dam with its attendant extra care in engineering, construction, monitoring and maintenance. The canyon is also a major drainage which feeds the Red River at an estimated flow of 5 cfs. It is noted for its wilderness characteristics and has been designated part of the Columbine-Hondo Wilderness Study area by the U.S. Forest Service. Considering the technical difficulties and safety risks associated with such a high dam and natural drainage diversion works, coupled with potential environmental impact as indicated, it was concluded early in the site selection study that the potential for developing this site for tailings disposal was poor. The site was therefore excluded from further consideration in the final selection process. That left only two sites for final comparison, Cerro and Guadalupe Mountain, as discussed below.

Comparison on the Basis of Potential Environmental Impact

Several site characteristics which have major bearing on environmental issues are compared below:

CERRO**GUADALUPE MOUNTAIN**

Proximity to human habitat	1.5 miles to the village of Cerro 1.0 miles to the nearest residence	2.5 miles to the nearest residence
Land use	Productive pasture land	Pinyon-juniper forest with central part of sagebrush and grass covered, low-productivity grazing land
Proximity to surface water resources	Less than 1 mile from Rio Grande	More than 2 miles from Rio Grande
Depth to groundwater table	Less than 40 feet	More than 800 feet
Tailings deposit geometry and dam configuration	Impoundment dam along entire perimeter constructed by upstream method to 150 feet maximum height on flat-lying terrain, enclosing an area of 1500 acres	Two zoned rockfill impoundment dams constructed by downstream method to 400 feet maximum height, with upstream synthetic lining, across ends of saddle valley, enclosing an area of 550 acres

From the above comparison, it is evident that the Guadalupe Mountain site is superior to the Cerro site from the standpoint of some important environmental considerations as follows:

- The visual impact of the tailings deposit will be considerably less at the Guadalupe site than at the Cerro site
- The much larger tailings surface area for the Cerro site coupled with its proximity to populated areas will pose greater risks of excessive fugitive dust emissions than the Guadalupe site. The outer shell of the impoundment dam which is composed of tailings and the tailings beach immediately upstream, along a very long perimeter of the tailings impoundment, will be a troublesome source of dust emissions.

- Although some clay overburden is known to exist in the alluvial overburden at the Cerro site, its continuity and integrity (with respect to fissuring due to frost and desiccation effects) has not been proven. Any possible benefits from the clay overburden in seepage control will also likely be more than offset by:
 - much shallower groundwater table,
 - much closer proximity to Rio Grande and existing wells,
 - much larger tailings impoundment area, and
 - difficulty in implementing seepage control measures in the very long perimeter dam constructed of sandy tailings by the upstream method.

Comparison on the Basis of Structural Safety

The rockfill dams planned for the Guadalupe site are unquestionably superior to the impoundment dam built by the upstream method using sandy tailings as envisaged at the Cerro site. This is so in terms of structural stability under static and also seismic loading conditions to which the dams may be subjected.

Comparison of Economics

Preliminary estimates carried out by mine staff based on the conceptual arrangements at the two sites suggested that the capital costs for the two sites are approximately in the ratio of 1.5 Guadalupe to 1 Cerro. The lower capital cost for the Cerro site, however, was anticipated to be offset by higher operating costs due to more labour-intensive tailings discharge operations associated with the upstream method of dam construction. The net result was that the overall unit costs for tailings disposal averaged over the life of each facility, would probably be about the same.

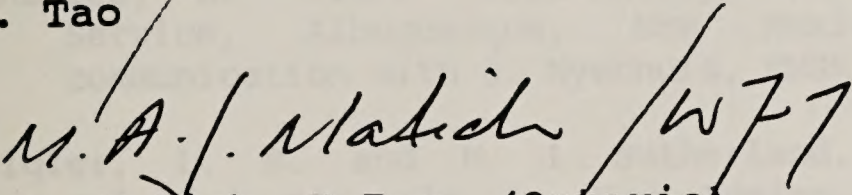
5.0 CONCLUSIONS

The decision to optimize the storage capacity of the existing tailings disposal facility at Sections 35-36 is consistent with good practice in minimizing disturbance to new areas. The screening process following the same basic logic, supplemented by other environmental and safety considerations enabled the number of candidate sites to be reduced from 14 to 2 for final selection. Final choice of the Guadalupe Mountain site was based mainly on environmental and safety considerations and therefore is in accord with good practice.

Respectfully Submitted,

GEOCON INC.


W.F. Tao


M.A.J. Matich, P.Eng. (Ontario)

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LIST OF ACRONYMS AND ABBREVIATIONS

ACEC	- Area of Critical Environmental Concern
AUM	- Animal Unit Month
BLM	- Bureau of Land Management
CDM	- Camp Dresser & McKee, Inc.
CEO	- Council on Environmental Quality
CFR	- Code of Federal Regulations
cfs	- cubic feet per second
CSMRI	- Colorado School of Mines Research Institute
dBA	- decibels, A-weighted
EA	- Environmental Assessment
EID	- Environmental Improvement Division (State of New Mexico)
EIS	- Environmental Impact Statement
EMNRD	- Energy, Minerals, and Natural Resources Department (State of New Mexico)
EPA	- Environmental Protection Agency
FLPMA	- Federal Land Policy Management Act
ft	- foot
gal	- gallon
IBLA	- Interior Board of Land Appeals
ISC	- Industrial Source Complex
KOP	- Key Observation Point
μg	- micrograms
mg/m ³	- milligrams per cubic meter
NONC	- Notice of Non-compliance
NPDES	- National Pollution Discharge Elimination System
OCA	- Office of Contract Archaeology
PM	- particulate matter
PSD	- Prevention of Significant Deterioration
Q/s	- Specific capacity
RCRA	- Resource Conservation and Recovery Act
RMP	- Resource Management Plan
ROD	- Record of Decision
SARA	- Superfund Amendments and Reauthorization Act
SCS	- Soil Conservation Service
SHPO	- State Historic Preservation Office
SMA	- Special Management Area
T	- transmissivity
TDS	- total dissolved solid
TLV	- threshold limit value
TPD	- tons per day
TPVF	- Taos Plateau Volcanic Field
TSD	- Transfer, Storage, or Disposal
TSP	- total suspended particulate
USDA	- U.S. Department of Agriculture
USDI	- U.S. Department of the Interior
USGS	- U.S. Geological Survey
VRM	- Visual Resource Management

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